

# THE CALCUTTA JOURNAL.

OF

## Politics and General Literature.

VOL. V.]

TUESDAY, OCTOBER 15, 1822.

[No. 247]

### SUMMARY OF NEWS.

—593—

#### Politics of Europe.

The BOMBAY COURIER of the 21st ultimo, which came in by the *Dawk* of yesterday, contains later information from the Mediterranean than any that has reached this country through the English Papers; we therefore republish it under the head of European News.

*Bombay, September 21, 1822.*—We have been obligingly favored with a loan of a few Malta and Smyrna Papers to the middle of June, brought down by the H. C. Cruiser ANTELOPE. From these, we have made some extracts and translations. The Greeks still maintain the contest with the Turks, and both sides commit the most horrible excesses. The former appear to have been in sufficient force at sea to have blockaded the island of Candia: a letter indeed received here from Cairo, dated 12th July, mentions "they had destroyed the Captain Pasha and his Ship, that the Turkish Fleet, had retired to Smyrna, and that the Greeks had proceeded to Candia to attack the Turkish Vessels there." Our translations from the SMYRNA SPECTATOR, a Paper apparently devoted to the Turkish cause, will give our readers an idea of some of the horrors of this sanguinary contest. A body of Samians landed towards the end of March on the island of Scio, in consequence of which, a general revolt of the inhabitants against the Turkish Government took place. The Garrison of the Citadel appear to have held out till the arrival of the Captain Pasha from Constantinople, who, aided with forces from Asia, took horrible revenge. The Smyrna Paper speaking on this subject, says "Certainly the miseries of Scio are above every thing that can be imagined. Over the smoking and bloody ruins of Scio, whilst we deplore the fate of the Scioots, truth compels us to avow, that they have provoked all their miseries; that they have forgotten nothing which might call them down on their heads, by setting the example of every species of fury. Once united with the Samians, they have had but one sentiment, that of a blind ferocity. They have cut the throats of every Turk they could meet with, they have then pillaged and burned. They have profaned the mosques in the most revolting manner; and, to fill up the measure of their hatred against the religion of the governing people, they have made the air a thousand times resound with the most odious blasphemies addressed to the Mussulmans."

The question of peace or war between Russia and the Porte was still undecided, but the accounts received overland concur in stating a general belief that peace would be preserved.

The Free Trader BOMBAY MERCHANT, Captain John Clarkson, arrived here on Thursday morning. She left the Lands end on the 4th of June, and brings down London News to the 31st May. We learn nothing of importance. The Ship BARKWORTH, for the Cape and this Port, was at Portsmouth taking in Passengers. The JAMES SIBBALD was to follow in about 11 days, she was to touch at Madeira for wine, and probably at the Isle of France. Mr. Canning comes out in H. M. Ship JUPITER, of 50 guns, which was sitting at Plymouth for him, and was expected to sail in October.

The WATERLOO was not expected to sail before the end of June.

The LONACH from Calcutta was off Deal 23d May. The MARQUIS WELLINGTON and THOMAS GRENVILLE on the 29th May, and the WOODFORD off Weymouth 29th May, the last ship 8

weeks from St. Helena. The SARAH, THACKER, from this port had not reached England when the BOMBAY MERCHANT left, but was daily expected, as accounts of her having been at St. Helena had been received.

The Prince and Princess of Denmark had arrived in England, and had been received by the King with great ceremony and splendor.

The passengers by the BOMBAY MERCHANT are—Mrs. Pouget, Mrs. Maillard, Miss Palmer, Miss Fenwick, Miss A. Fenwick, Miss Payne, Miss Paget, Miss Henshaw, Miss D. Henshaw, Capt. Pouget, Lieutenant Mignan, Dr. Gordon, Mr. John Ritchie, Messrs. Skipper, Hallett, Lamotte, Ramsay and Jacob, cadets.

We have selected a few paragraphs from our private correspondent's letters, and made a few extracts from the papers we received a few hours before our present number was prepared for the press; but the intelligence contained in these is very meagre and uninteresting indeed. Amongst the deaths we observe that of Countess Fitzwilliam and of the Countess Dowager Grey. The former in her 75th, the latter in her 79th year.

*The Oriental Spectator, April 5, 1822.*—Some details respecting the Morea, during the month of March.—Our anxious regards are now principally directed towards the Peloponnesus. It is in this desolated peninsula that obstinate conflicts are still maintained between the people governing and the people insurgent: and who shall decide the question of the independence of Greece, at least with a respect to a part of that nation? The issue of this contest does not appear doubtful; especially since the Porte has got rid of Ali Pasha, has reduced Moldavia and Wallachia, and is able to send against the Morea, the troops which were occupied in Albania; the superiority of her naval forces assuring her moreover of the empire of the Archipelago against her revolted subjects, and permitting her to convey by sea all the armies necessary for the execution of her plans. On the other hand, it may be said to us, that it is on account of the imminent danger which the Hellenists run and the probability of their ruin, that despair and necessity may drive them to the most extreme measures and elevate their energy to the level of their circumstances. However, an extraordinary reaction, should it occur, would only perhaps prolong uselessly the calamities of the times, and would only serve to aggravate the evils of humanity: for in fine, can it be supposed that the Porte, free from all external war, would not be able to reduce a province sooner or later? and on the other hand, if she had perchance, a foreign war to maintain, it is certain that she would attach the greatest importance to the reduction of a province round which all other insurrections rely; and critical and urgent conjunctures would also imperiously prescribe to her to use the great resources and all the means which she possesses to accomplish her end. This proper consideration would escape those who should really desire an invasion on the part of Russia as likely to favour the cause of the Hellenists for whose triumph they offer up vows; and what is more serious, they do not consider that this invasion, which would follow immediately a declaration of war, would infallibly compromise and in the cruelest manner, the fate of the Greeks in Asia, of whom more than once we have, either impliedly or explicitly, undertaken the defence; and would cause a multitude of Greeks in Europe to incur the same peril; for both would find themselves



in a situation whence it would be nearly impossible for them to emigrate on the bursting forth of evitable rage, if affairs, by chance, should wear a serious aspect: since supposing that fortune should declare herself decidedly for the Ottomans in the Morea, the Greeks when once deceived in their hopes and convinced of the inutility of all resistance, would have, to save themselves, on one side the defiles and mountains, and on the other the sea and their numerous vessels. It is in circumstances of peril that reason should be cold, and that all should be calculated on. All the Greek nation is not in the Peloponnesus, and we advise those who like ourselves are interested about them, to think rather on the destiny of the whole than of a fraction.

The capture of Corinth has placed in the hands of the Greeks several millions which belonged to Kiamid Bey, and all this money has been thrown into the national chest. The most important fortresses, as Patras, Medon, Napti and Coron are well provisioned and in the hands of the Turks, who are quiet in their position. The new Government of Greece has been finally fixed at Prada, where all the deputies of the Departments have repaired to. This new Government is composed of 80 senators, amongst whom 13 most worthy of confidence have been selected, to whom the executive power is confided, which they exercise under the vice presidency of Mavrocordato.

The Peloponnesus has also formed its senate, which is presided by Demetrios Ipsilanti, to whom Pedro Bey has been added in quality of vice president. This senate has taken the resolution of ordering two armies to march out of the Peninsula, each composed of 5,000 men, commanded by Colotroni, and by Yatoko, with orders to march in Romelia on Zottim and Arta. The Turks have assembled in great force at Zottim; and the Pasha Omer Verion has done the same at Arta. All these armies, destined for the Morea, can pass to Patras, by means of the Ottoman fleet which is repairing to Lepanto. But, what a spectacle does the Morea now present! Nearly all its cities are burned, and the villages which still remain are empty. Thirty to forty thousand men indifferently armed, create agitation in every sense. The greater number, especially the Valakins, a people greedy of booty, and for a year familiarized somewhat with independence and danger, seek to defend the fruit of the pillage they have made in the several cities they have taken; and fight, perhaps, as desperadoes to withdraw themselves from a chastisement they deem inevitable. The Government is occupied in nominating the different Ministers. Condurioti d'Idra is Admiral, Papa Diamandoupe occupies the ministry of the police, but it is in vain that the Government searches, throughout all Greece, for a man capable of passably filling the most important post of all, that of Minister of war.

*Smyrna, April 3.*—By letters from Constantinople dated 28th, all was quiet in that capital, and there was nothing new in politics. Letters from Bucharest breathed peace. There remained only in Moldavia and Wallachia, troops sufficient to maintain good order; the greater part of the Ottoman troops had by degrees evacuated these two provinces.

*May 3.*—It is calculated there are in Crete about 100,000 Turks, and the number of Greeks there is said to be 120 to 130,000.

*Athens, April 8.*—The Turks are masters of the citadel, the Greeks of the plain. The latter have thrown into the citadel, during the first days of the month, 280 bombs, but without effect. The Greeks pretend, as, usual, that it will be compelled to surrender in a fortnight for want of water; but it is certain that it will hold out still a long time in spite of all they say about it.

*Scio, April 31.*—The Captain Pasha was still at Scio the 31st April. Except the 21 villages of the Mastic, which were carefully guarded by bodies of troops which had been sent there, all the interior of the island continued to be pillaged, devastated and burned.

*Constantinople, May 4.*—The two provinces of Moldavia and Wallachia would be entirely evacuated by the 5th May.

Advices from Constantinople dated 10th May give stronger assurances than ever of the approaching publication of peace

between Russia and the Porte. The evacuation of Moldavia and Wallachia had been effected; every one considered peace as certain.

The Tunisian division has disembarked 3000 Turks at Cyprus. News has been spread here of a battle between the squadron of the Captain Pasha and the insurgent fleet, the result of which had been the loss by the latter of 41 vessels, taken and sunk. This news is pure invention. It is true that on Monday last, the high admiral finding himself in presence of the insurgents bore down on them and commenced a terrible fire, but at too great a distance to do them much damage. The Greeks gained the weather gage whilst the Turks bore down; they evidently avoided an engagement, which, consequently, it would have been difficult to have compelled them to. All their project or all their ambition is, to endeavor by aid of their fireships to set fire to the Ottoman fleet in taking advantage of some mistake; this will not be easy for them. On the 14th May, the high admiral gave over pursuing the insurgents, who fled by the means of their fast sailing ships, and appeared to direct themselves on Samos.

It is not quite certain whether before he sailed from Scio he allowed the exportation of slaves; however it is all one, as it continued to take place. We will not retrace the various excesses which followed the sacking of Scio until the 14th May. But impartiality compels us to avow that the vengeance and the exasperation of the Musslemans have been pursued beyond all bounds. Several Greek children who could not be sold, were thrown into the sea.

*Salonica, May 9.*—Several villages of Mount Olympus have taken no part in the revolt and have remained tranquil. The Pasha, at the head of about 15,000 men, has already done justice to the raising of the shield of the others; and what justice! Every man who could not save himself in the mountains has been cut to pieces; every woman and every child has been reduced to slavery; the small town of Niastha has been completely burnt, in spite of the orders of the Pasha, who was unable to restrain the rage of his troops. Some Greek villages have been burnt by the insurgents themselves, because the inhabitants refused to join them; and what we do not learn without horror, is, that the armed Greeks have had the courage to massacre with their own hands their wives and children before they saved themselves.

*Smyrna, May 29.*—Letters from Constantinople of 20th May confirming the hopes of peace, add that that nomination of the Princes of Moldavia and Wallachia would take place immediately. Letters from Odessa of 13th May, were equally favourable to peace. Advices from St. Petersburg were also to the same effect. Advices from Constantinople of the 25th, announce the arrival of two Russian vessels there laden with wheat. A perfect tranquillity reigned. Troops from Moldavia and Wallachia continued to arrive.

*State of the City of Scio to the 27th May*—History offers, from time to time, spectacles of desolation, of terror and of horror, for the instruction of the weak and the powerful; and the example of Scio will perhaps be a lesson not lost either on the one or the other. This hope is the only ray which beams in a night the most sombre and frightful.

From the information derived from the most authentic sources we have had access to, the Greek population of this island amounted at least to 11,010 souls, and contained, of course, that of the city and its 66 villages. It amounts now, at the most, to 20,000; for we do not speak of 40,000 Turkish soldiers who are now at Scio, carried there by the circumstance of the war. 99,000 souls have then really disappeared from the surface of this isle. Amongst this number it may be calculated there are about 45,000 slaves—women and children, for on the 25th May there were on the registry of the Custom house 41,000 who had paid export duty. Some still remained to be exported, without taking into account those smuggled out by the Turks. About 25,000 persons then have been massacred, and amongst this number we comprehend a crowd who have been consumed by



the flames of their houses; and several who have perished by the epidemic caused principally by the dead bodies; the harbour amongst other places was so full that they impeded extremely the progress of the boats, and even without the harbour. Amongst the 20,000 souls who are saved, there are about 5,000 who were absent at the time of the revolt, and about 15,000 who were able to take refuge at Ipsara, at Smyrna and elsewhere, and withdraw themselves from death or slavery. The majority are at Ipsara in the most deplorable condition, laid pell-mell in the streets, exposed to the inclemency of the weather, and nearly destitute of every thing.

There remain then, nearly, 20,000 Greeks at Scio, spread for the most part through the 22 villages of the mastic. Except these 22 villages which the brave Elias Aga continues to guard carefully, and whose inhabitants even come to the city quietly without being molested, all the other villages, without exception, to the number of 44, are deserted, burnt and utterly destroyed. There was a momentary alarm for the fate of the former, because the soldiery were permitted to commit excesses and pillage in 4 villages joined to the 22 of the mastic in their act of submission, and they finished by burning all the four.

Scio, May 31.—We enjoy here tranquillity for the moment. Partial assassinations are rare, as well as fires in the city.

June 14.—We have received by the ordinary post, letters from Constantinople of the 3d June. Tranquillity then reigned in the capital, it had been troubled previously by divers excesses which the soldiery had committed, but which the local police has repressed. The evacuation by the Ottoman Troops of Wallachia and Moldavia continued to be effected without interruption. Peace was always regarded as certain, and War as impossible.

Smyrna, June 15.—In the course of last month and of this, several caravans has arrived from Chisme, laden with women and children slaves, and with abundance of effects carried off from Scio.

Malta Government Gazette, April 23, 1822.—The following account of a successful attack made by the Greek insurgents on the Island of Scio, is extracted from a private letter dated Smyrna, the 4th instant.

"The Greek insurgents have effected a descent upon Scio: on the 23rd of last month, 3,000 men landed on that island from 65 very small sailing craft under the escort of 8 armed Brigs from Samos. This produced a general insurrection among the Greek population, consisting of 80,000 souls, of whom 25,000 it is supposed, may be badly armed. The Turks are in the castle, with a number of the Greek Chiefs, inhabitants of the city, whom the Turks seized and took in with them as hostages. The garrison of 3,500 Turks are well provided with ammunition and provisions. The Greeks are, by the last advices, preparing to scale the walls of the castle. The Grand Turkish Fleet from Constantinople, including seven line of battle Ships, frigates, &c. and consisting of 36 sail in all, will check their ardour. This Fleet was to have sailed on the 2nd inst. All the property of the Sciots throughout the whole of these dominions has been seized. The Greeks here have abandoned their shops; and such is the inveteracy of the Turks against this race of people, that they shoot them the instant they appear in the streets.—it must, however be observed, that these assassinations are committed by Turks from the interior, a savage set of villains.—The place is quiet in other respects."

May 7, 1822.—It appears, by private advices lately received, that the recent event in Scio had caused considerable disturbances in Smyrna. A Turkish Squadron, with troops on board, made its appearance before the town of Scio on the 11th ultimo. it succeeded in landing the troops, and obliged the Greeks to evacuate the town with very considerable loss. A great quantity of additional Turkish troops have since proceeded for Scio; and according to the last accounts received in Smyrna, it appears that nearly the whole Island was in the power of the Turks.

May 10, 1822.—The Spanish Cortes have passed a decree by which Cadix is declared a free port.

Extract of a letter from Copenhagen of the 6th ultimo:—"The last mail arrived from Iceland brought intelligence that there was in that island on the 19th, (the day on which an earthquake was generally perceived throughout Europe), 20th, and 21st of December, a very considerable volcanic eruption in the vicinity of Mount Hecla, but in a place which had exhibited no volcanic symptom since 1612. Within a mile of the crater half-calced stones were found, weighing 80lbs. Hitherto we have heard of no disastrous consequences proceeding from this eruption. The mass of sulphureous ashes, which had formed a thick crust upon the surrounding plains, have been since carried away by an excessive hurricane and rain. The explosion was accompanied by violent detonations and very sensible shocks of an earthquake."

The Catholic Clergy and Religious resident in the City of Rome itself, consist of 19 Cardinals, 27 Bishops, 1,450 Priests, 1,532 Monks, 1,461 Nuns, and 332 Seminarists. The total population of Rome is 146,000 souls. The number of births in 1821, was 4,756, and that of deaths, 5,415 individuals.

The troops of the Pope have recently undergone a new organization and reduction, by which the army of the States of the Church, will be composed in future of a General staff, a staff for the Fortresses, a Commissariat, eight battalions of infantry of the line, two of light infantry, a regiment of cavalry, a corps of artillery, and a battalion of veterans.

Two Chiefs of Banditti, one of whom is the famous Fraticata, have recently been arrested at Naples by the Civic Guards.

The celebrated Canova has recently exhibited at Rome a group representing Mars and Venus, which he has just finished for His Majesty the King of England, the group may rank with the chefs d'œuvre of this distinguished artist.

May 23, 1822.—The master of an Austrian merchant Brig, which arrived in our Quarantine Harbour on Saturday last in 11 days from Constantinople, reports the very gratifying intelligence that the long pending differences between the Courts of Russia and Turkey have at length been brought to an amicable conclusion, and that the Treaty of Peace between these two Courts was signed at Constantinople on the 25th ultimo. The master of this merchant Brig adds, that at Odessa, which port he left on the 1st instant, they were anxiously looking for the arrival of the Russian Minister in order to take his passage from thence to Constantinople.

London, May 31, 1822.—The NOTIZIE DEL GIORNO, published at Rome, contains a curious article upon Journals or Gazettes. It proves, in the most decisive manner, that daily papers are not an invention of modern times, but that they existed in the time of the Roman Republic, under the titles of Acta diurna, Acta urbis populi, and Tabulae dealbata. In support of this assertion, the author of the article quotes several fragments of one of the latter, where it is said amongst other things, that on the 3d of the Calendæ of April, under the Consulate of Emilius, a shower of stones fell in the vicinity of Vejia. He remarks also, that Cicero in his letters makes frequent mention of these Journals.

The Gazette of the Two Sicilies states, that on the 22nd ultimo two large crevices were suddenly formed in the shore at Marsala, in Sicily. On the same day a barge was dashed against the rocks by an extraordinary motion of the waves, at a moment when the sea appeared tranquil. It is supposed that these effects were produced by a sub-marine volcanic eruption.

Edinburgh.—We hear that some great characters in Edinburgh were, on Saturday, bound over to keep the peace. The Opposition Leader and the Bard who tells "the tales of other times," are mentioned as the parties. Really, this pistolling down public opinion and free discussion, will never do. The laws of this country are sufficiently strong to protect the character, life, and property of every individual in it, and to punish those who injure them.—Glasgow Courier.



**Marquis of Hastings.**

EAST INDIA HOUSE, THURSDAY, MAY 30, 1822.

Yesterday a General Court of the Company of East India Proprietors was held for the special purpose of laying before the Proprietors, an unanimous Resolution of the Court of Directors, of Thanks to the Most Noble the Marquis of Hastings, K. G. and G. C. B. Governor General of Bengal.

When the usual routine business was disposed of, the Clerk read the paper convening the General Court, for the purpose of laying before them the unanimous Resolution of the Court of Directors of Wednesday, May 15, by which it was resolved, that they highly approved of the signal services of the Most Noble the Marquis of Hastings, &c. Governor-General of British India, and were anxious to place upon their records their deep regret that domestic circumstances should induce him to wish to be relieved from the duties of his exalted station, and that the Court, wishing their sense of his merits to be promulgated before his return from India, voted him their thanks for the unremitting zeal and eminent abilities with which he had administered the Government of British India for the last nine years, with high credit to himself and advantage to the interests of the East India Company.

The CHAIRMAN then rose, and observed, that the subject proposed for consideration required but a few observations from him. The merits of the Governor-General of British India had been of such a signal character, that he trusted there would be on the question of their approval an unanimity of sentiment in the Court of Proprietors, confirming the opinion of the Court of Directors. His object in the present instance was to state, that the praise of the Court of Directors had not been given for any particular act of the Marquis of Hastings, but they intended by that vote to put on record their opinion of his general conduct and services. On that account, it was not necessary to produce papers to authenticate his claims to their commendation. The history of his administration was contained in every paper which had come from India since the commencement of his administration (*hear, hear*). They had twice voted him their thanks before, on the ground of particular services, and there was a third vote to him of a pecuniary nature expressive of their strong feeling of gratitude for his general services. The first vote was for his conduct in the Nepanese war; the second for his conduct in the war against the Mahrattas and Pindarees; and in those two instances the papers which authenticated the particular grounds of approbation were produced. But in the third instance no document was produced, because the reward was for services already known to the company. Thus they were in possession of a summary of the administration of the Marquis of Hastings, and the present vote of the Directors was given as a tribute of praise for nine years service, and the conduct of an administration eminently distinguished for wisdom and talent (*hear, hear*); and he hoped from the General Court of Proprietors, a similar expression of sentiment—moved and carried unanimously. The result of that administration was seen in the flourishing state of the Finances of India, while nothing appeared likely to disturb its present peace and growing prosperity. He had that morning received a communication from the Governor-General, which contained a very clear exposé of the financial state of India. It appeared from this document, that there was at present a surplus revenue of a million and a half of rupees. The Governor-General had performed a great service to the Company by effecting a reduction of the interest on a large loan from the Government of Bengal to that of Madras. By the exertions of the Noble Marquis, the home treasury had been placed in a state of comparative affluence, and the Company relieved from the payment of interest to the amount of one million. It was extremely gratifying to perceive that the administration of the Noble Marquis had produced the most favourable effect upon the moral character of the people over whom he presided (*hear*). After some further observations, the Honourable Gentleman concluded with expressing a hope that the Court would be of opinion that the Court of Directors had in the vote which they had agreed to, done no more than pay a just tribute of respect to the Noble Governor-General.

Upon the motion of Mr. R. Jackson, the votes of the Court of the 3d of February, the 10th of March, and the 11th of December, of the year 1819, conveying the thanks of the Proprietors to the Marquis of Hastings, were read by the clerk.

Mr. R. JACKSON then proceeded to address the Court in terms of warm praise upon the conduct of the Governor-General since his residence in India. The Honourable Member concluded with moving a resolution, which, after referring to the votes of the Court in 1819, expressed the concurrence of the Court in the sentiments expressed by the Court of Directors, of admiration of the manner in which the Marquis of Hastings had administered the Government of British India during a period of nine years, and of regret that domestic circumstances should have rendered it necessary for him to resign the office which he had filled with so much honour to himself and advantage to the Company.

Mr. NORZ seconded the resolution.

Mr. D. KINNAIRD next addressed the court at some length, and concluded by declaring his intention to vote for Mr. Jackson's Resolution.

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Sir J. DOYLE panegyricized, in very eloquent terms, the many virtues and talents of the Governor-General of India.

Mr. R. JACKSON shortly replied.

The CHAIRMAN, in rising to put the resolution to the vote, observed that it was unnecessary for him to attempt to swell the tribute of praise which was offered on all hands to the Noble Governor-General. That illustrious individual, upon leaving the shores of India, might utter the sentence which formed the epitaph upon Sir C. Wren's tomb—

"Si monumentum queris, circumspecte,"

The Resolution was then put from the chair, and carried unanimously.

The Court broke up at half past five o'clock.

**British Dependencies.**

**Sierra Leone.**—We have received papers and letters from Sierra Leone, to the 12th of March last, which are full of matter highly interesting to all who feel concerned in the prosperity of that important colony. The general progress of the trade and commerce of the place will be seen at a glance, by the following extract from the Official Returns of Imports and Exports. The number of Merchant vessels entered inwards at the port of Freetown, in the year 1821, was—

From London, .....	27	From Barbadoes, .....	1
Liverpool, .....	2	Nova Scotia, .....	1
Hull, .....	1	St. John's, .....	1
Exeter, .....	1		

The highest burden of any Vessel was 355 tons, the lowest 37.

Total invoice value of Imports in 1821, ... £105,060 15 10½  
1820, ... 66,725 9 4½

Increase in 1821, ... 38,335 6 6

Amount of Duties on Imports in 1821, ... 6,318 4 7½  
1820, ... 6,153 5 6

Increase in 1821, ... 164 19 1½

The number of vessels employed in the export trade was 26, and their burden 6,805 tons. On the 1st of February the *IPHIGENIA*, bearing the flag of Commodore Sir Robert Meads, entered the Gambia river from India, and anchored off the new settlement of Bathurst, where the Commodore landed, and examined the rising colony, with great satisfaction at its rapid improvement. The supply of wax and hides from the interior had been considerable, but in the gold trade the increase had been pre-eminently conspicuous. On the 16th of February, the *Iphigenia* reached Sierra Leone, and Sir Robert Meads assumed the chief command on the station, as successor to Sir George Collier. On his way from the Gambia, Sir Robert despatched a strong party of searching the Bissagos and Rio Grande for slave vessels: and this measure appears to have been attended with no small success, for, on the 2d of March, a Portuguese vessel, with 175 slaves actually on board, was brought in, having been captured, after some contest, by the boats of the *Iphigenia*.

**DEATHS.**

On the 1st of June, Thomas Smith, Esq. of Easton Grey, in the County of Wilts. He was a consistent and decided Whig, but his gentlemanly manners and the playfulness of his imagination, were combined with such good sense and so benevolent a heart, as not only endeared him to his closer friends, but extorted from persons of all ranks, who had the happiness of his acquaintance, however they might differ from him in important points of politics or religion, not on their esteem but their affection and love. Such was the man, who in the highest health and spirits, surrounded by his friends, and possessed of blessings, which the happiness of his temper appeared to enable him to amplify beyond the scope of enjoyment of other men, when he was in a moment deprived of his life, at Sir Benjamin Hobhouse's at Whiston Park, near Hounslow, in the 53d years of his age.

On Wednesday, June 5, aged 63, about 4 o'clock P. M., at the Grove, Durham, much respected, Mr. Stephen George Kemble, brother to Mrs. Siddons; and Mr. John Kemble.



## Imperial Parliament.

HOUSE OF COMMONS, —TUESDAY, JUNE 4, 1832.

### CRIMINAL CODE.

Sir JAMES MACKINTOSH rose, to attract the attention of the House to that very important subject the criminal law of the country; and he felt that in moving a question already so often discussed, he should have occasion for the patience and for the indulgence of Honourable Members. The question, however important to the community at large, touched at no point the interests of any particular class, it neither promoted the views of any party, nor could it be subservient to the ambition of any individual; it formed no field for that kind of personal contest in the House which was the principal amusement of the Parliamentary by-stander; nor was it likely to produce any of those most serious contests between bodies of Gentlemen threatened with ruin, and Ministers compelled to defend their own measures, which the House had unfortunately heard so often during the present Session. Under the difficulty which attached to the handling of a question repeatedly discussed, he was restrained by the numerous and respectfully signed Petitions which but now, as well as upon former occasions, had been presented to the House; those Petitions spoke the deliberate opinion, the decided feeling of a great majority of the enlightened and reflecting inhabitants of England; and he (Sir J. Mackintosh), standing upon the foundation of public opinion, and about to examine a question which no one could deny to be of the very first importance, claimed excuse if he asked that same patient attention from the House with which he had been honoured upon the same subject on former occasions. At such an advanced period of the year, he could have no hope of introducing a Bill to be passed during the present Session. Any proposal to that effect, at such a time, he felt would be unreasonable; and he had been prevented partly by the course of public business, partly by a sense of the difficulty of his subject, and partly by his own state of health, from bringing the matter forward at an earlier period of the season. But although he had no hope of a full discussion of the subject in both Houses of Parliament till this year, yet he should hold it unpardonable if he did not make some effort to advance a cause which the community had so deeply at heart; and he therefore intended to propose a resolution to the House, merely affirming a general principle which he believed had already been recognised, and virtually adopted in various cases by the House, and by the Legislature; and that resolution might serve as a basis for measures to be taken in the next Session for the revision and reformation of British Criminal Law. The better course, with that view, would perhaps be to read the resolution at once. It was this—“That the House would, at an early period of the next Session, take into its serious consideration, the means of increasing the efficacy of the Criminal Law, by abating its undue rigour in certain cases, together with the proper measures for strengthening the police, and making the punishments of transportation and imprisonment effective for the ends of example and reformation.” Upon this resolution, Sir J. Mackintosh would first say, that he attached little of value to any peculiar form of expression in which it might be couched: he wished to get a determination generally in favour of the principle, and he wished that determination to be recorded as a resolution in the journals of the House, but with respect to any thing like criticism upon words, he gave his up at once to those who might think them worthy of such examination; and having stated so much, he would add a few words in justification of the course which (by his resolution) he was taking. He set little value, for his own part, upon precedent in such matters; but if precedent were necessary to authorize his resolution, precedent he had, and of the highest description. In almost every work of reformation which had experienced vehement opposition, it had been found necessary in the different stages of the subject to vary the form of presenting it to Parliament. In that memorable measure, the greatest effort perhaps of modern times in the cause of justice and humanity, the abolition of the slave trade—after Bills had passed the Lower House in favour of that measure and been rejected in the Upper, after a Bill for the partial abolition of the trade had passed through both Houses and received the Royal assent—after all this, a resolution similar to that which he (Sir J. Mackintosh) now submitted, had been proposed by Mr. Fox. It embodied almost his dying words—it was the last effusion of that unextinguishable zeal for virtue and humanity which animated his heart, and shed a lustre over his public life; and in following such an example, farther search for precedent became unnecessary. Having justified his conduct, then, in proposing the Resolution, he would proceed to offer a few observations in its support. What he called upon the House to declare was this—that the efficacy of the penal laws must be increased by an abatement of their undue rigour. In proposing to the House to make that declaration, he proposed to them to declare nothing at all that was new; they would merely be re-asserting, and in definite terms, that which was contained in many acts of the House itself, and in some acts of the whole legislature. If instances were called for, he could give them in a moment. Had not the statute against stealing in

bleaching grounds been repealed, upon the very ground that to mitigate the punishment was the only practicable means of making the punishment effective? Had not the repeal of several acts in 1812 against offences connected with the revenue proceeded precisely upon the same principle? Look at the recent case of the statute the 1st Geo. IV. which substituted transportation for death in cases of fraudulent bankruptcy. No man would contend that the punishment was mitigated out of any opinion that the offence was insignificant; but the change was made because the mere threat of death had deadened and defeated the whole operation of the law—had, within the space of 70 years, indeed, reduced it to a dead letter. This alteration in the bankrupt law was only a single instance among many which might be cited; and could the legislature have put forth a more solemn recognition of the principle for which he (Sir J. M.) was now contending? The punishment of death was repealed as regarded fraudulent bankruptcies, and yet fraudulent bankruptcy was a heavier offence than 19 out of 20 of those which were still capital by the existing law of England. He (Sir J. M.) defied any man, whatever his knowledge or his talents to contradict him in that assertion. He would not consume the time of the House with repeated instances; but there was the case of shoplifting. The law was mitigated as regarded that offence from capital at 5s. to capital at 15l. The old excuse for that law had been, that it was intended to guard by severe penalties the property of poor shopkeepers from a kind of small theft to which they were continually exposed. That excuse was now given up; after years of trial, the small thefts were made no longer capital; and fifteen pounds, instead of five shillings, was made the price of a man's life. Was farther instance necessary of adoption of this principle, the Acts of the House of Commons might over and over be appealed to. The Bills in the time of the late Sir Samuel Romilly might be quoted; the Committees appointed by the House, and the Reports of those Committees. Nay, he should appeal to the divisions in that House, and to the feeling exhibited upon the question of forgery. He would ask whether the attendance of Members had not been as numerous, and the feeling of the House as strong and clearly manifested against ministers upon that question, as it had ever been found to be; or ever could be expected to be, upon a question merely of general legislation? Honourable Members were aware that the attendance upon such subjects could never be compared with that which was given upon subjects which touched more immediately the interests of men. The state of the House at the moment which he (Sir J. Mackintosh) was speaking was a sample of the kind of attendance which could be obtained upon such questions. He alluded to that fact, not out of any present feeling but merely to show that upon the question of forgery—upon that question which was the great strong hold of the opponents of his present measure—upon that question which formed the very triumph of severity—the House of Commons had inclined to the prudent resolution that the punishment of death should to a great extent be done away. Upon grounds like these, it was not too much to say that, in calling upon the House for a Resolution that mitigation would promote efficacy, he called upon it to declare nothing which it had not virtually declared long ago; that he was only demanding that avowal in terms which the House by its acts, had repeatedly made already. The latter part of his Resolution (the Honourable Gentleman continued) he had introduced, because he had been told on a former occasion, that in attempting to discuss the question of capital punishments, without looking at the question of secondary punishments, one was separating two things, which from their nature should be indivisible. To satisfy the holders of such opinions, he had put the two questions in his present Resolution, together. He himself thought them, in some points, inseparably connected, though not exactly in the way which the Gentlemen to which he alluded maintained. Those Gentlemen thought that the question of secondary punishments should be first considered; he, on the contrary, gave his first attention to the capital punishments; and he did so, because he took a vain reliance upon the fallacious appearance of efficacy belonging to the threat of capital punishment to be the true cause of the lax and disgraceful condition into which the secondary punishments had been permitted to lapse. The very first step, in his opinion, to a reform of our secondary punishments, must be a reduction of the capital punishments—a reduction of that state which always deserted our lawyers in action, but a reliance upon which had tempted them to neglect the effectiveness of other systems more safe and more important. Now in offering some reasons why the House should reaffirm the principle for which he contended, he could not do better than take his footing upon a ground which he had heard laid down by a Right Honourable Friend of his opposite, that in all questions relative to the arrangement of punishments, the burden of proof was not upon those who attempted to reduce the capital punishments, but on those who endeavoured to support them. That course, indeed, was borne out by every general principle. Capital punishments could only be justifiable in cases of absolute necessity. They must be justified on the same principle with war or any other measure which went to take away the life of man—upon the principle of self-defence, the principle that we have no means of defending or securing ourselves against the individual except by destroying him. Then, of course, the load lay upon those who justified the taking of man's life. They were



bound to show that, in the cases where they contended for it, it was necessary. Those who contended against the power could not be expected to prove a negative. Now he (Sir J. Mackintosh) charged this defect upon the law of England for the last 150 years. All other nations, whatever might be their laws, either mild or cruel, made it a principle generally, that those laws should be carried into effect. Of course that rule would be subject to occasional exception: there would be occasional instances of punishments remitted; but the general principle was that the law should be put in execution. But while such was the practice with all foreign nations, England had two hundred capital offences upon her code, for not more than twenty of which convictions ever took place; and upon the convictions which did take place, not more than one offender in the ten suffered the penalty of the law. That such a system, notwithstanding its absurdity, should find some supporters, he (Sir J. Mackintosh) did not wonder at. Paradox, from its very singularity, at once attracted the attention of genius. An anomaly or a gross absurdity was a plaything, as it were, for men of talent; and when men of talent had their own interest concerned in supporting that absurdity, it would be strange if, in a country like England, it should be found without defenders. And then, on the other hand, people's fancies were excited by such discussions. They were more pleased and amused with hearing a thing any how defended, which they had never imagined could bear defence at all, than they would be with a homely, straight forward discussion. Certainly it was to no other cause that he could ascribe the fact of our criminal laws having been defended by Mr. Windham and Dr. Paley. There had been a spirit of chivalry about the general conduct indeed, of Mr. Windham, a love of singularity, and a reverence for ancient customs, which rendered his defence of the system perhaps rather intelligible. Men naturally delighted in that which was new to them. Liberal opinions were the opinions of the society in which Mr. Windham had moved and lived, and consequently there had been nothing to him of novelty about them; but in taking up the old opinions, the dogmas of former ages, he had the pleasure of defending a hopeless cause, of justifying abuses long and long exploded, and of palliating evils which were condemned by every man of talent in the country except himself. As to the panegyrics which lawyers by profession were eternally pronouncing upon the law of the country, while they were indiscriminating, he (Sir James Mackintosh) thought they were wrong. Upon portions of their commendation he agreed with them altogether; but indiscriminate praise carried back his mind to the words of that poet through whose prose writings even the spirit of Paradise Lost often beamed in all its vigour; such commendation made him think of the words of that poet, the first defender, let it be remembered, in Europe, of a free press and an unfettered conscience; that bard, in his address to the Lords and Commons of the land, spoke in these terms—"Those who freely magnify what has been well done, and fear not to declare as freely what might be done better, give the truest covenant for their fidelity. Their highest praise is not flattery, and their plainest advice is a kind of praise." And such was a kind of praise (Sir J. Mackintosh concluded) which he would apply to the great principles combined in the law of England. Of distinguishing praise he offered his full tribute; and of undistinguishing praise, what he asked, was the value? Such praise was bestowed upon the law as it now stood. Why, yes; and it had been also bestowed before the time of William III., when no man indicted for treason had a right to a notice of trial, to a copy of his indictment, or to a list of the witnesses against him. Such praise had been lavished before the acts of the 1st Anne, when no witnesses could be sworn in favour of a prisoner, and when it was a vain formality therefore to give him the right of calling witnesses at all. During all the time that these excellent regulations had existed, the cry against innovators had been no less loud than it was now. He did contend that the praises of lawyers were to be guardedly received. Sergeant Hawkins said, in his "Pleas of the Crown," "those only who have taken a superficial view of the crown law, charge it with rigour." Would the House believe that those words were written while the statutes against witchcraft were still in full force—when witches were burned as regularly as felons were hanged at every assize. But to come farther down. What was the state of the law even within the last 30 or 40 years? Had not women been burned alive for petty treason within that time, and prisoners put to the torture for refusing to plead? Yet all this while lawyers had not been less loud in their praise of law, courtly writers less warm in its commendation, or enemies to innovation less numerous and determined. It was to fundamental principles that he wished to draw their attention in discussing the present present question, although he was certainly aware that no views could be more unpopular in that House, and that nothing was in danger of being held more visionary than the idea of framing a scale of punishments adapted to the degree and measure of criminality. He knew it might be said that every attempt to construct such a system had been found impracticable, and that no theory of the kind was to be found in the writings of Montesquieu. Let it not, however, be treated with scorn and derision on the credit of such representations. It was to be found in a document which, though it had been enacted nearly 600 years ago, still formed a portion of our written law—it was to be found clearly and distinctly ex-

pressed in Magna Charta.—(hear, hear, hear.) In this unperennated statute, passed by turbulent and martial Barons, there was, indeed, a most singular contrast with the spirit of legislation that distinguished more modern times. But unpopular as it might be to refer to that ancient and venerable monument, to that law of laws which he charged the criminal jurisprudence of England with violating every day, he should yet think that in a British Parliament it would be listened to with respect, and that all who felt or retained any admiration for the *maxima instituta majorum* would be sensible of any thing but contempt for this thirty times confirmed enactment. (hear, hear.) Remarkable it was that those whom we in this enlightened age were apt to consider as barbarians, had legislated respecting crimes with the clearest judgment, and with the most careful humanity.—Their reserve, as to the infliction of the last dreadful penalty, he had already appealed; their respect for property, and the rights of merchants, were equally conspicuous. Pecuniary fines were at that time an ordinary mode of punishment, and these were imposed on every occasion with a strict reference to the amount of guilt, or the circumstances by which it was softened or aggravated. "Ut liber homo amercietur pro parvo delicto, secundum modum delicti, et pro magno delicto, secundum magnitudinem delicti, salvo continente suo. Villanus, etiam, eodem modo amercietur, salvo managio suo, et mercator salva mercandisa," &c. Thus it appeared that their zeal for the distribution of justice did not overlook persons in a servile condition, but that every class and every individual was alike the object of their wise and provident liberality. At this period the civil Magistrate might have called to his aid all the thunders of the church; but he did not think it necessary to avail himself of that alliance, in order to fortify his denunciations of capital punishment. At that time it was not capital to utter forged notes for one pound, to cut down a tree in an avenue, or to steal to the value of 40s. in a dwelling-house. It never could be deemed agreeable to the principles of religion, any more than it was to the letter of Magna Charta to inflict the punishment of death for a fraud, or an offence against property to which the culprit had been, perhaps instigated by the extremity of want (hear, hear.) He could not but think that the views taken in the 13th century amidst all the rigour of the feudal system, presented an afflicting contrast in this respect with the opinions now entertained in some quarters where they could not fail of exercising a great influence. Enlightened lawyers were unhappily at variance with the authors of that great foundation of our liberties which had been thirty times confirmed, and which contained instead of a measure of suspicion and tyranny against all foreigners a special enactment for their protection. (hear.) Every one had heard the name if he had not read the writings, of Sir Matthew Hale. That celebrated and venerable person flourished under the reign of Charles II., and in his work on the criminal law or pleas of the Crown, had observed that death was too frequently adjudged in this country, but the difference between England and other nations was that much was left elsewhere to the *arbitrium judicis*, but in England the law was more determinate and inflexible. Let the House then only reflect on the change which has been effected in the character of our laws ever since that period. It was by the extent of discretion left to the judge, in criminal cases that we were now distinguished from and opposed to every other country in the world (loud cries of hear, hear, hear.) Was he to be charged with introducing new or vague opinions on the subject when he produced an authority like this or rather did it not justify him in proclaiming the more recent doctrines received upon as themselves an upstart degeneracy which they could not too soon abandon? (hear) Since the time of Sir Matthew Hale when according to that venerable person the criminal law of England was too sanguinary, there had been added various capital punishments for forgery, for stealing in a dwelling-house to the value of 40s and for sheep stealing. If it were said that modern usage of antiquity, had led to a different result, he should be extremely happy to place the argument upon that issue. Lamentable indeed was the inference furnished by a contemplation of the actual effects which had followed the change in question. The average of capital convictions from 1805 to 1809 inclusive, was 381; and for the last five years this had risen to 1,200. (hear, hear.) Here was one striking evidence of the practical result of a legal system, contrasted not only with the sentiments of our ancestors, but with the laws and institutions of every other country under heaven. Something must be attributed beyond all doubt to an increase of population. A variety of causes might have been more or less influential in producing this rapid and frightful increase; but surely the presumption was against those penal laws, notwithstanding which it had taken place. In other countries, where the law was different, a different result had followed; and so far they had the *experimentum crucis* in favour of his reasoning. When the disease became more violent, and instead of abating, all its symptoms rapidly and constantly increased, there was reason to suspect that the remedies were not well chosen or applied. It would not be asserted by any enlightened foreigner, that there was any thing in the national character which peculiarly disposed it to the perpetration of criminal offences. The House had received several Petitions on this subject of late, exhorting it to adopt those principles which he was now so freely endeavouring to recommend. In some of them it was truly urged that the



extreme severity of punishment often defeated its own purpose, and secured impunity to the offender. Perhaps enough, however, had scarcely been said on the importance of advertg to its usefulness in every instance, where the punishment of death was inflicted. He feared that this great object was too frequently endangered and altogether sacrificed by its disagreement with the feelings and sympathies of mankind. It was in vain that the tyrannical Magistrate might flatter himself with the hope of spreading the terror of his authority by the severity of his judgments. The laws of nature had declared, "thus far shalt thou go, and no farther." Those punishments which were called infamous were at length laid aside from their want of efficacy, and it was well known that when torture was sometimes inflicted upon faith and conscience, such was the support which the victims derived from the admiration and sympathy of their beholders, that their triumph was complete where their oppressors had been most confident of their misery and humiliation—(hear, hear, hear.)—It was indeed one of those sacred ordinations of nature, one of those beautiful arrangements of the moral world, that forbade the rash or indiscriminate application of penal sanctions. When mankind beheld the life of a fellow-creature sacrificed for a petty theft, a trifling injury or fraud, their feelings at once revolted, they sympathized with the sufferer in his dying moments, and ascribing his punishment to the effect of superior power alone, they too often inwardly loaded his laws and judges with execrations. (hear.) These were reflections that seemed to have escaped the authors of those 220 capital felonies which now polluted our statute book, and so many of which had been added since the time of Sir Matthew Hale. Admitting the advantage to be derived from a particular case of punishment, where the circumstances were of an aggravating nature, still they ought likewise to look at the other side, and consider at what price this advantage was obtained. (hear.) The awful punishment of death was rendered familiar, the ideas and sentiments of men were confused, and the execution of a criminal was disarmed of all its salutary terrors. That infliction which would otherwise carry an authority that must impress itself on the hearts of all, was regarded as an unavoidable accident; a certain number of deaths was calculated on, as soldiers looked forward to the same events in the course of an honourable campaign.—(hear, hear.) The sword of justice was thus blunted, and the corrective influence of penal laws was lost. Should it be said that he was now speaking as philosopher and a theorist, he would refer to the observations of a learned person (Sergeant Adair,) in 1796, then a Member of that House, and holding the office, being the last eminent person who had held it, of Recorder of the city of London. That learned person, after an experience of twenty years, did not hesitate to say that the complexion of our laws was too sanguinary, and that it was painful to reflect that the punishment of death was not reserved for the offences of treason and murder. Now, he (Sir J. Mackintosh) did not go so far in his philosophy as the judge to whom he was alluding went, conformably to his experience and practice. The principles which he was now desirous of seeing espoused by the House of Commons, had been in fact already adopted by states of the most various and dissimilar forms of government from countries where the power of the Monarch was all but absolute, to those where the constitution rested on the verge of democracy. Russia had followed the example; even Austria had been subdued in this instance, and soe as she was to human improvement generally, she here joined with Spain, with America, and with every other country except our, or rather except with a branch of the legislature in that one which he would not name.—(cheers and laughter.)—Such was the force of truth, and so strong were the moral feelings of society on this important subject, that during the French Revolution, a very material alteration and reform was effected in their criminal jurisprudence. Of the eminent person under whose Government it was perfected, and of whom it was now certainly lawful to speak with historical truth, and especially for those who had not scrupled to censure him when in the zenith of his ambition, he should only say that the improvement was of a nature that afforded a new and more favorable idea of his character. He not only approved of the undest king, but he had assisted at his execution, in which he displayed a share of senteness as well as zeal, which would cast over his fame hereafter, a lustre that neither his despotism nor his adversities would eclipse. (hear, hear.) This it was due in justice to his memory to state; for though he had fallen in an evil hour, and after he had weakly yielded to the temptations of legitimacy, when he might have been the champion of the liberties of mankind, yet it was with no narrow mind that he regarded these subjects; he patronized art, he was himself versed in science; he did not say to his professors, that he wanted no learned men, (a laugh) but was disposed to encourage all improvement that did not sacrifice his power or rebuke his ambition. The Code Napoleon was complete in 1810, but to comply with the habits and language of the Noble Marquis, he would date his remarks upon it at its working, in the year 1811. He had been favored with a copy of it by a Noble Friend, a Member of the French Chamber of Peers. The entire number of capital offences in our criminal jurisprudence he had already stated to be 220: in the French Code it was 60, of which six related to different species of treason. Forgery was also capital if committed upon the Bank of France, or upon any of the

public securities, and not otherwise. Theft was capital, if committed with any of five specified aggravations, in all of which it was necessary that arms should be either used or threatened. To come, then, to a fair comparison of these two systems, with regard to their efficacy in preventing crimes, he would first state the difference of population in the two countries in which they were exercised. The same population of France was about twenty-seven millions, or as two and a half to one, when compared with that of England and Wales, amounting to about eleven millions. At the commencement of the period in question, the number of capital convictions was double, or, relatively to the population, quadruple to that of France; and at its termination, or in the year 1821, it was ten times the amount. In France, the average under the Code Napoleon had undergone no increase that signified aught in the argument, being for the last three years no more than the difference between 204 and 303, which might be at once accounted for by the operation of a scarcity that had occurred during the interval. But the history of the last three years in this country offered the melancholy and disgraceful spectacle of an increase of 340 to 1240 (hear): and tho' he did not mean to ascribe all this to the actual state of the law, few would deny when they perceived results so different in countries where the law was founded on opposite principles, that it must be powerfully operative. Two other causes, indeed, he might anticipate, would be assigned upon this occasion: one, of which he would say little or nothing, was the superiority of French Police, and it was of no great weight in his estimation. The second was of a different nature, and respected the deep and general distress which had long prevailed in our own country. He had no wish to blend political considerations with this subject, but, if they were urged, it would be impossible to deny their effect. If the increase or decrease of crime were held as a criterion of the good government of a country, France should be looked upon as prosperous, and, judging of the situation of this country by the same rule, we should consider ourselves in a situation the reverse of that. He would not, however, go into the question in that view. He would rather consider it with reference to the different systems of criminal law adopted in the two countries; yet it was impossible to overlook some circumstances connected with the political situation of France for some years past—circumstances, which, in any nation, would be calculated rather to increase than diminish the lists of crime. France was twice invaded by foreign armies; but here he would check himself: he had not dwelt upon the distresses of his own country, and he was too proud of the honour of England to have any wish to humble her rival. Was there, he would ask, nothing in having had amongst the people the armies of Europe in a state of hostile visitation? Was there nothing in having disbanded and let loose amongst her population her own immense army, which had travelled almost victorious from Cadix to Moscow? Were not these circumstances which ought to be considered in weighing the probabilities of the increase of crime? To these might be added, and it was an addition of some weight, that 30 years of revolution and war were calculated to increase the amount of crime in a very considerable degree. This, he presumed, would not be denied by those who were hostile to his motion, unless they meant to contend, which he hardly thought they would, that the revolution had improved the morality of that country. Then, as this would not be contended, he must contend, that to its improved penal code was to be attributed this vast decrease of crime. In looking at the more than proportionate increase in England, he would take the period between 1805 and 1809; that was held on all hands to be the most prosperous. At that time, when the Treasuries of this country and of Europe flowed towards the Exchequer, when our Finance Ministers sat in his paper paradise, and dreamt of gold—in that happy period the increase of capital convictions was from 339 to 549. As this was before the peace, it could not be ascribed to the pressure of misery under which he could not deny, the people had since groaned.—(hear, hear) He feared he was trespassing too long on the patience of the House; (hear, hear,)—but as he had but seldom an opportunity of discussing the merits of the Code Napoleon he did not think he should be right if, in considering a theory, he omitted to point out its merits. In alluding to it, he was comparing the systems of two great nations which, though rivals in all things might be considered as jointly at the head of Christendom. He was comparing the results of the different systems of criminal jurisprudence adopted by each; and though, as was said 150 years ago by Lord Halifax, that nothing was so apt to crack in stretching as an inference, he did not think he was stretching the inference too far when he asserted that when two systems produce such opposite effects, when under one crime had decreased whilst under the other it increased rapidly, there must be in the one something to be approved, and in the other something to be condemned. There was also this striking contrast in the criminal laws of France and England—that the former were intended to be carried into effect, whilst, as was well known, the severe decrees of the other were in most cases dispensed with. This, in itself, was an objection which ought to be fatal to the system. It was a defect opposed to the practice of all civilised nations, opposed to all reason, and justly condemned by all experience. It was not then too much to infer, that under such a system crime could not be effectually checked nor ade-



quately punished. He would now come to that part of the subject to which the second part of his Resolution tended; that was, that the reduction of capital punishment would tend to the improvement of civilization. First, he would observe, with respect to the system of police. The principal object of police should be to repress disorder; the next to detect crime. To repress disorder, it would be necessary that more effectual means should be adopted; but he should object to means derived from too great a restriction of human action, which he would call tyranny; and in the detection of crime, he should deprecate as much as possible a system of espionage, by which he believed a nation lost more than it could gain on the score of morality—for it was in itself a more fertile source of crime than any other—(hear, hear.) The most effectual means, in his opinion, for the detection of crime, would be the mitigation of punishment. If the laws were more mild, no stigma would attach to the discovery of crime; the hearts of men would go with its detection, and we should have that information given voluntarily, and from the best of motives, which was now extorted from the worst of vices. If it were wished to make the informer and prosecutor appear less odious, let them not conduct to the gallows; let not death to the accused follow the accusation, and we should then have crime discovered, and its punishment approved; instead of, as was now the case, crimes studiously concealed, and its punishment looked upon as wanton severity. With respect to transportation as a punishment for crime, he would say, that in a variety of cases in which it was at present inflicted, he considered it unnecessary and impolitic. There were, however, two classes to which he thought it would be applicable. The first was, that of incorrigible offenders, whom no exertions could reclaim. Such persons, undoubtedly, ought to be banished from the society of which they were unfit members. The next class consisted of persons of a description exactly the reverse. He would suppose the case of a man who had fallen into a crime of which, perhaps, he might be disposed to repent, but, in consequence of which, there was no hope of his resuming his former place in society. Such a man might be properly sent into a new society, where he might repent, and again return to those moral practices from which he had fallen. To such persons transportation might be applicable, but then it should be to a colony established on different principles from that of New South Wales, whither our convicts were now sent. When America ceased to be considered as a fit asylum for convicts, this colony was thought of, but in its establishment there was this capital defect; it was not considered that the best foundation for a penal colony was a moral population, where the example of a different set of men with better habits might have an effect on the newly arrived convict. This, however, he regretted was not considered in our present system. There were other vices attended upon our treatment of convicts, which called for correction. He did not see, for instance, why persons transported might not have their labour transferred to private masters, by whose care and superintendence much good might be effected. At the same time that he suggested this, he admitted that it was a measure which ought to be adopted with great caution; but with proper precautions he was satisfied it might in many cases be done with very good effect. Another circumstance, which was eminently calculated to check crime, was a proper attention to prison discipline. In advertent to this, he would not wish that any thing should be adopted without the most serious consultation with those benevolent individuals who had made the subject their study. But without going more at large into the question, he would say, that every thing depended upon the classification of the prisoners. This he thought might be left in many cases to the discretion of the Magistrates, yet it ought to depend entirely on the nature of the crimes of which the parties were accused. He saw one plan by which all felons were classed together. This system was most absurd and injurious. What could be more unjust than to allow the parricide to be confined and associated with the man whose offence was the cutting down a tree? Surely nothing could be more effectual to spread the contagion of crime than such an association. But because the neglect or the folly of our law condemned each equally to death, the parricide, and the prisoner, and the most hardened criminals, were to be placed in a state of daily and hourly intercourse with those whose offences, though denominated felonies, could scarcely be deemed immoral, when compared with the enormities of those with whom they were associated. The consequence was, and would be, until the evil was remedied by proper classification, that our prisons, instead of being the means of repressing, would become so many nurseries of the worst of crimes; and those unfortunate persons whom our game laws, our revenue laws, and our poor laws sent thither, would, by the contagion of evil example, become, on their liberation, the pests of society. To these humane and benevolent individuals who devoted a large portion of their attention to the improvement of our prison discipline, it was impossible to render sufficient thanks. Their exertions were daily becoming a national benefit, though he had known occasions when their labours were scoffed at, and held up to ridicule. In that House he had heard a Member, whom it was unnecessary to name, ridicule such exertions; and adding, that it seemed as if it was intended to encourage crime by making prisons houses of ease and recreation. Alms had also been made, in derision, to Persian carpets, as if such luxuries were to form a part of an improved treatment. This,

however, was grossly mistaking the objects of those who endeavoured to improve prison discipline. They desired, as much as could be wished, to let the prisoner feel that he was in prison, as much as that could be felt consistently with health and the prospect of reformation. To the latter every possible attention was paid, and it would not be contended that the former should be a matter of indifference. Individual cases of reformation might be scarce, but one example of that kind was worth twenty of severe punishment. (hear, hear.) The honorable and learned Gentleman then alluded to the many instances of reformation of criminals which had been effected by the benevolent exertions of a number of highly respectable females, who devoted a large share of their attention to that most meritorious object. These reformations were effected, not by a departure from the modesty of their sex, but by following up the dictates of that modesty, by exhibiting in their own persons those traits of mildness and benevolence, of humane commiseration for the failings of their fellow-creatures, which rendered the virtuous so amiable, and make their example so impressive. He had heard of associations of females in Catholic countries called the sisters of charity, who made it their business to visit the sick in hospitals and prisons, and to perform all those kind offices by which misery could be alleviated. Their conduct was most praiseworthy, but they were bound by vows, and their actions regulated by the rules of their order. They gave up all the relations of domestic life, and only adhered to the obligations of their rule. But our Protestant sisters of charity were bound by no vows, their actions were the result of no set of regulations which they must obey. They went further than those excellent models of the Catholic belief, for while they voluntarily devoted so large a portion of their time in administering to the wants bodily and mental of those whom they visited, they forgot not the duties of domestic life, by which they still continued the best models and highest ornaments. (hear.) Their visits brought them in contact with some of the worst of vices in their worst form—female. They made themselves acquainted with the weakness, the follies, the crimes, and the habits of the unhappy objects of their care, and thus by means of the same knowledge by which the villain was enabled to seduce them to the paths of vice, did those benevolent and generous females endeavour to bring them to practices of virtue. (hear.) He himself had seen some of the effects which he described. He had gone to visit one of the prisons where some of those benevolent ladies were so humanely occupied. He was accompanied by persons who, while they were disposed to praise and approve of every plan by which the load of human misery could in any degree be lightened, were at the same time studiously vigilant to observe the manner in which such good was effected. They perceived with sincere satisfaction not only the good done, but the modesty with which the benevolence of those ladies unfolded itself. No exaggeration of what had already been the result of their efforts—nothing of vanity, where such temptations to it existed—but the whole of their conduct in this pious work, was marked by that modest and unpretending benevolence which proved at once the sincerity of their intentions. The friends who accompanied him came away in admiration of benevolence so much beyond the common lot of humanity. It was a melancholy reflection that our system of criminal laws was constantly opposing itself to such humane exertions as their chief adversary. One execution for the forgery of a bank note, or the cutting down of a tree, was calculated to defeat some of their best efforts. In proportion as their humanity was felt and appreciated, so must the severity of our laws be more striking by the contrast, to those for whom that humanity was excited. In proportion as they succeeded in making those unfortunate beings more enlightened, so must they perceive themselves the more opposed to our system of criminal laws. But he would not press the subject further. He had trespassed too long on the attention of the House, but he trusted not without succeeding in establishing the position—that undue and undistinguishing severity was the worst means of repressing crime. The Hon. and Learned Gentleman concluded, amidst cheers from both sides, by submitting the Resolution, which we have given above.

The ATTORNEY GENERAL felt that he required the utmost indulgence of the House, rising, as he immediately did, after the very eloquent speech of his Hon. and Learned Friend, whose talents had never been exerted with more energy than on the present occasion. He trusted that neither his Hon. and Learned Friend would suppose that those who opposed the motion were therefore averse to any alteration whatever in the Criminal Law. Nor was the profession, to which he had the honour to belong, justly chargeable with the imputation which had been cast upon them on the subject; for he believed that all the amendments which had been made in the criminal law had emanated from members of the legal profession. He was no more an advocate for the frequency of capital punishments than his Honorable and Learned Friend. He would be found quite as ready as his Honorable and Learned Friend to examine any particular cases that might be specified, and to relieve the Statute Book from the denunciation of capital punishment, wherever it might appear uncalled for. But he could by no means agree to a Resolution, which, by its sweeping censure, cast a stigma on the whole Criminal Law, when that Resolution was not to be followed up by any specific measure. To agree to such a Resolution, under such circumstances, would be to place the



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Criminal Law, and the administration of it by Government in a situation in which it ought not to be placed. What, he would ask, had been the course pursued by his Honourable and Learned Friend, from the original introduction of this subject? He, in the first instance, proposed the appointment of a Committee to consider and report upon the state of the Criminal Laws; that Committee was appointed. His Honourable and Learned Friend took a most active part in that Committee, and it presented a Report to the House. Now, he would ask Gentleman to recollect what was recommended in that Report? Why, it recommended the abolition of capital punishments in certain cases, while in others it advised the continuance of those punishments. Upon that Report, his Honourable and Learned Friend brought in a Bill for the purpose of carrying its recommendations into effect. Some of the clauses of the Bill met the approbation of the House, whilst others were rejected, and, in consequence of that partial adoption of his Honourable and Learned Friend's measures, what did he now propose? Why, he came forward that evening and called upon the House to enter into a general review of the Criminal laws of the country; and this too, be it remembered, without any proposed remedy upon his (Sir James Mackintosh's) part. — His Honourable and Learned Friend would have made his case more distinct and intelligible had he come forward with some specific measure. His Honourable and Learned Friend had stated, that the number of capital punishments which now appeared upon our statute book tended to increase, rather than diminish the capital punishments. In support of this statement, however, no proofs had been adduced, except the number of persons accused and acquitted. A great discretion must always be vested in the Crown and in the Constituted Authorities of the Kingdom, where to inflict and commute the punishment of death. His Honourable and Learned Friend had drawn a comparison between the penal laws of this country and those of France; but did he (Sir J. Mackintosh) take into his consideration the system of police and of espionage practised in that country? Unless he was prepared to introduce into England the whole of that system, he acted most unfairly by praising the Code Napoleon at the expense of our penal laws. In looking to the Code Napoleon, the Honourable and Learned Member ought, in fairness, to have brought under the view of the House, the consideration of their prisons; their prison discipline; their secondary punishments; and the other severe and coercive measures which were adopted in aid of their Police. But what period was it at which his Honourable and Learned Friend had thought proper to call the attention of the House to his Resolution upon this subject? Was it not when there was a Committee on Prisons sitting up stairs; and when a Bill was about to be brought in upon that subject; at a time when they had a Committee upon the Transportation Laws; at a time when accounts were daily expected from a Gentleman sent to New South Wales for the express purpose of examining into the situation of the convicts in that colony; at a period when they had a Committee on the Police of the Metropolis sitting;—and yet, in the face of all this, the Hon. and Learned Member called upon the House to adopt the Resolution now proposed by him. The Hon. and Learned Gentleman here read over the Resolution, and contended that its adoption by the House would have the effect of holding out to the country a sweeping condemnation of the Criminal Laws, and the administration of those laws by the Constituted Authorities of the realm. (hear.) He felt it necessary to move the previous question.

Mr. BUXTON said, if the Resolutions affected capital punishments alone, he should not trespass on the attention of the House, after the able and eloquent speech of his Honourable and Learned Friend; but as it referred to minor punishments also, he hoped that the House would indulge him while he made a few observations. He found that the number of persons who had been tried in Ireland, for offences not capital, in the course of one year, was six thousand, and that of persons tried for capital offences two thousand five hundred. Of the former one half had been convicted, and of the latter one-seventh only. The same facts, though not to the same extent, were observable in England. In 1818 the number of persons sentenced to death or transportation, was three thousand three hundred and six, of whom one hundred had been executed. The House would recollect that the Noble Lord and the Hon. and Learned Gentleman opposed the motion last year on the ground that there was no secondary punishment; that transportation, so far from answering that end, was regarded as a desirable object by those upon whom the sentence was passed. Lords Sidmouth and Ellen had expressed the same opinion; and Lord Ellenborough had stated, 12 years ago, that transportation was no punishment. In fact, it was offering a bounty to crime, as would appear from the letter of one of the convicts to his wife, which he (Mr. Buxton) had an opportunity of quoting to the House. The letter stated, "Providence shines upon me in every shape, and I hope he will do the same for you. The winters here are warmer than the summers in England; every thing is beautiful, and we have frost so thicker than a shilling. I often fancy to myself that it was the best day's work I ever did to get here." He would submit, whether this contained any thing like a tone of remorse, or offered any thing like useful example, which was the end of punishment. The Honourable Member quoted another letter to the same effect

from a convict who described himself as living now the servant of Squire Love, who was considered a very clever fellow in the colony. He had some knowledge of this Squire Love, which he would communicate to the House. He had been a clerk in this country, and had not only acted with base ingratitude to his employers, but had robbed them to the amount of twenty thousand pounds. The consequence was, that he was prosecuted for the minor offence, and sentenced to transportation, having escaped the capital charge. Before the sentence was put in execution, he (Mr. Buxton) went to the Home-office, and recommended that this person should be confined to the hulks, as transportation would enable him to enjoy the fruits of his robbery. The recommendation, however, was not attended to, and the consequence was, that in Botany Bay he was converted into Squire Love, a very clever gentleman, with a retinue of servants, one of whom had become the historian of his prosperity. There was a case mentioned in Tacitus, the same in spirit with those more recent ones to which he had already alluded, it was that of Gallio, who was transported to Lesbos for some offence, but it being "*insula nobilis et amena*," he was recalled by the wisdom of those men who presided over public affairs. He would pass over the question of the Police, in consideration of the lateness of the hour, and would simply add, that it was his firm conviction that there was a prevalence of crime in England but that the remedy, so far from being hopeless, was in their own hands, and he would vote for the Resolution of his Hon. and Learned Friend as the most efficient mode of coming at the remedy.

Mr. COURTENAY said; that though he concurred in the general principles laid down by his Hon. and Learned Friend, he could not accede to the Resolution before the House.

Mr. PEEL said that the office which he held was so closely connected with the question before the House, he was anxious to say a few words upon it. He concurred in what had been stated with respect to the Committee for the Reformation of Prison Discipline. Their exertions were above all praise, being dictated by the soundest policy and likely to lead to the most beneficial results by affording the best security which they could have against the commission of crime. It was his intention to move on Friday next for leave to bring in a Bill connected with this subject, and he would ask whether, under these circumstances, they could feel it necessary to pledge themselves to take it up next Session? The fact was, that the Resolution so far from accelerating would operate as a postponement of the measure which the Hon. and Learned Gentleman had in view. With respect to transportation, he was willing to allow the importance of that question, but it would be to some extent affected by the Bill which he proposed to introduce. He also concurred in the propriety of adopting a vigorous system of police. God forbid that he should mean to countenance a system of espionage in private families; but a vigorous preventive police, consistent with the free principles of our Constitution, was an object which he did not despair of seeing accomplished. He was equally unwilling to postpone that subject till the next Session. It was his intention to introduce a plan for making the experiment upon a small scale. Something should be done with respect to transportation, but he would wait for the report of the Gentlemen who were sent to New South Wales. One plan that suggested itself to him was to send to Bermuda a certain number of convicts to be employed in the public works there, combined with such a system as the hulks in this country, for the punishment of the refractory. They would be enabled to judge from this experiment how far it would be practicable to extend the plan.

Mr. C. WILSON said that as the subject with respect to prison discipline, was to come under the consideration of the House, he thought that part of the Resolution was unnecessary.

Mr. W. WYNN rose to address the House, but the Right Hon. Gentleman was prevented for some time from speaking by loud and repeated cries of "No, no," and other exclamations; as the Right Hon. Gentleman attempted to proceed the noise increased. We understand that the Right Hon. Gent. recommended Sir J. Mackintosh to withdraw his Resolution.

Mr. J. MACKINTOSH said that he would have no hesitation to adopt the suggestion of his Right Hon. Friend if he did not feel it necessary to retain a part at least of his Resolution. The part of the Resolution which he wished to retain was, where it went to pledge the House to adopt measures for increasing the efficacy of the law by mitigating its rigour. By adopting the Resolution in its amended state no injury could be done with respect to the administration of the Criminal Law. The Resolution would, in fact, serve as a notice, as well to the profession of the law, as to all others, to supply that House with all the information they could impart on a question which required all the wisdom, the learning, and ability of the nation. Feeling that the Resolution in its amended state, was exposed to no fair objection, and that the adoption of it would be attended with public advantages, he certainly would divide the House upon it.

The House then divided—

For the Resolution ..... 117 | Against it ..... 101

Majority ..... 16

The division was received with loud cheers.



## From the Edinburgh Review.

(No. LXXII.)

*Supplément aux Mélanges d'Histoire, de Littérature, &c. Tirés d'un Portefeuille. Paris, 1829.*

In our Sixtieth Number, we gave an account of the curious collection of Tracts which the late Mr. Quintin Crawford had printed, but withheld from the public. He, some time before his death, added the Supplement which is now before us, and which, though also unpublished, we have understood he did not object to have candidly discussed. There was in truth no reason why he should dread the severity of criticism in any part of the work. The contents were all extremely interesting and the portion which proceeded from his own pen, displayed both sound judgment and a correct taste.

The first piece in this Supplement is almost entirely by M. de Meilhan, and contains a number of judicious reflections upon the character and history of Louis XV., with several anecdotes more or less known already. The moral of the whole, or the practical application is, that, of all kinds of affection, by far the most worthless and unreasonable was the enthusiasm of the French for their Princes. Early in his reign, Louis XV. was taken dangerously ill at Metz; and the whole people of France were thrown into an alarm which hardly any public event had ever before excited. When a preacher, in the course of the sermon delivered upon his recovery, termed him in his presence, according to the adulatory style of the pulpit in those days, *Le bien aimé*, the expression was, by universal consent, deemed so peculiarly fitted to indicate the place he held in the hearts of all men, that it flew instantaneously over the whole nation, and became at once and every where united to his name. Had he died then, says our author, he would have been regarded as the Titus of France in after times; and this, he very justly adds, without any one reason in the world, 'except that he was handsome, young, and, dying in the flower of his age, would have got credit for all the good which he might have done.' Unfortunately for his reputation, he lived to an old age, and is now only remembered as a pattern of indolence, voluptuousness and insignificance, rare even among absolute monarchs. There is much truth in the explanation here given of the great name often acquired by persons in distinguished stations, who are cut off suddenly in their youth. *Tu Marcellus eris!* The sentiment of pity inclines the world to a favourable judgment; and while time has not been given for committing many faults or displaying many deficiencies, the subject of compassion is decked in the attributes which an indulgent fancy takes pleasure to invent. But the *Well-beloved* reigned somewhat too long to give the full benefit of this excuse to his votaries. He seems indeed to have felt this; and he was probably rather struck with shame than with the sensibility ascribed to him by M. de Meilhan, when he exclaimed, in the midst of the enthusiasm every where displayed by his objects, '*Qu'ai-je donc fait pour être tant aimé?*' We greatly doubt if these paroxysms of unmeaning and mischievous feeling will ever again be exhibited among the French; and we trust, for the sake both of prince and people, they never may—their inevitable effect, being to spoil the one and degrade the other. Perhaps the reader may be of opinion, that the sentiments of divine right, in which kings are so prone to indulge, proceed not unnaturally from such excesses of devotion in their subjects. The following letter is full of them; it is one of the very few acts of vigour ever performed by Louis XV.; and, being addressed to his minister at the time of the disputes with the Parliaments in 1771, induces our author to suppose, that if the Revolution, which many think was then so near, had broken out, he would have had firmness enough to resist its further progress. It is written entirely in the King's own hand, and addressed to the Duc de Richelieu.

'Pensé à bout comme je le suis, je ne puis plus différer de faire sentir à mon parlement que je suis le maître absolu—que ma puissance vient de Dieu, et que je n'en dois compte qu'à lui le jour où il me retirera de ce monde. Pour lors ils auront sous un autre maître, non moins le maître, mais peut être plus vif que moi. Je suis roi et maître, on c'est le parlement! Personne ne veut céder, et cependant il est nécessaire que quelqu'un plie. Je ne veux point détruire le parlement, mais je le veux réduire dans les justes bornes pour lesquels il a été institué; ainsi il faut qu'il cède, ou moi. Moi j'y mettrai toute la force que Dieu a mise dans mes mains, et je repandrai mon sang avec grand plaisir. S'il me demande pardon, s'il obéit à ce que je lui commande, avec joie je lui rendrai le pouvoir que je lui avais confié. Mais après toutes les incertitudes que j'ai vus, je ne souffrirai jamais qu'il puisse me mettre dans le même embarras.

'Je n'aime pas plus l'autorité des prêtres, en tant qu'ils veulent sortir des bornes mystiques; mais je veux qu'on rende à Dieu ce qui est à Dieu, et à César ce qui est à César. Or César ne tient que de Dieu ce qui est à César, et il ne le lâchera à personne sur la terre Française.

'Vous pouvez communiquer ceci à qui vous voudrez, n'étant pas fait pour vous seule; ainsi vous en ferez l'usage que vous jugerez à propos. Je ne le signe pas non plus; vous connoissez assez mon écriture pour

être sûr qu'elle est de moi; je le ferois même avec grand plaisir s'il le falloit, d'une autre couleur!

We surrender this singular letter to the unbounded admiration of the Ultra-Royalists on both sides of the Channel. They will term it, no doubt, very firm and vigorous, and extol the writer for twice expressing the delight with which he was disposed to shed his blood for his fancied rights; forgetting that his existence as a king was only for his people's benefit, and that his blood could not fall in drops unless *their's* flowed in torrents. It is singular that this piece should be the composition of one who, of all the kings that ever reigned, lived the longest time merely for himself; without any great and glaring vices certainly, and with hardly any attempts to extend his power; but in a state of quiet, animal indulgence, which rendered his existence almost indifferent to his subjects. No case could therefore have occurred in which the rights of the crown were more peculiarly the private and personal interest of the sovereign; and we will venture to say, that no sovereign who held them avowedly, or substantially for the benefit of the State, ever claimed them so absolutely, or was more zealously devoted to uphold them.

The next pieces which excite interest in this collection relate to Louis XVI. and his unfortunate Queen; containing a number of curious anecdotes, many of them within Mr. Crawford's personal knowledge, of those two ill-fated individuals, especially during the latter years of their lives. There has, naturally enough, been so much exaggerated feeling on both sides respecting them, and facts have been in consequence so distorted, that it is quite refreshing to read any thing which proceeds from a quarter of undeniable authority. Mr. C., though greatly disposed to take part with the sufferers, (and who indeed can avoid such a partiality?) yet writes with such exemplary calmness, that we cannot, generally speaking, avoid giving credit to his narrative.

Louis XVI. certainly owed the love which he obtained from those who approached him to his worth, and not to the graces that ordinarily captivate the frequenters of a court. His character, we are told, was reserved, and his manners far from prepossessing. '*Des formes dénuées de grace et même un peu brusques* excluoient chez lui cette prévenance et cette aménité dont les souverains peuvent quelquefois tirer un si grand parti; d'ailleurs son maintien, ses manières, et un vacillant, produit par une vue courte, composaient un ensemble peu imposant; mais toutes ses actions et toutes ses paroles annonçoient des idées justes, et surtout l'homme de bien.' His great defect was a want of firmness, arising from want of confidence in himself; and this again may be supposed to have originated in the evil education which at first prevented him from trying his own powers in manly pursuits, and in the frivolous occupations in which all the periods of his life seem to have been passed. When we apply such a term to them, it is only with reference to the exigencies of his station; for, in a private person, such pursuits would have been innocent and even laudable. His chief pleasure seems to have been the chase, and his favourite occupation some mechanical work, as watchmaking, in which he was so knowing, that M. Janvier owed to him the idea of his time-piece. He loved to converse with artists, and to make them explain the principles of their art; and it was an amiable trait in his character, and in harmony with all the rest, that, considering their time to be their fortune, he made a point of never keeping any one waiting whom he had sent for; but, if any thing prevented him from seeing them at the appointed hour, he took care to give them early notice of the change. He was well informed upon some higher branches of knowledge; geography, in particular, was his favourite study. He drew up, himself, the instructions for the unfortunate La Peyrouse, who passed two hours with him on being named to command the expedition, and expressed to Mr. Crawford at dinner next day, his astonishment to find the King so intimately acquainted with every thing regarding maritime discovery, and naval science in general.

Though naturally of an economical disposition, which he carried even to parsimony, he employed part of his savings in charity, and was peculiarly anxious to keep his acts of benevolence concealed. The Queen having one day discovered some such good work, he was somewhat angry; and then said good humouredly, and, we may add, wittily, '*Il est bien singulier que je ne puisse aller en bonne sans qu'on le sache.*' Our author positively denies that any of the financial distress in which the Revolution began, was owing to the extravagance of his household, or the Queen's. He was never prodigal, and very seldom generous; and could not, without great difficulty, be prevailed upon to allow of any extraordinary disbursements. He paid, indeed the debts of his brothers, particularly the Count d'Artois, which required considerable sums of money; but his own civil list cost only between a million and a million and a quarter Sterling; and appeared to the National Assembly so far from extravagant, that they fixed it at a sum founded upon the same estimates. The extravagance of his predecessor, and, still more, the expenses of the war of 1778, were the real causes of the deficit.

The following particulars respecting the celebrated escape from the Temple are interesting, and place the amiable character of the King in its proper light.



'Le plan ayant été adopté, le Roi en confia l'exécution, depuis la frontière de l'ancienne province des trois évêchés, au Marquis de Bouillé, commandant de l'armée de l'Est, qui accepta cette dangereuse commission, purement par dévouement pour son souverain, et au risque de se perdre. Le soin de tirer, de Paris, la famille royale, fut confié à M. le Cte. de Ferzen, Colonel du régiment de Royal-Suedois. On avait fait faire une solide berline dans laquelle devoient entrer leurs Majestés, M. le Dauphin, Madame Royale, Mad. Elizabeth, sœur du Roi, et un officier de confiance. Le choix de cet officier devoit tomber sur le Baron de Viornouil, ou sur le Marquis d'Agout, Major des Gardes Françaises, tous les deux officiers généraux pleins de zèle, et d'un caractère décidé. La Comtesse de Tourzel, qui avoit succédé à Mad. de Polignac, comme gouvernante des enfans, demanda avec instance à n'en être pas séparée. Leurs Majestés touchées de ses larmes, consentirent à la prendre avec elles, ce qui ne laissa plus de place dans la voiture pour l'officier-général, qui, s'il s'y fût trouvé, auroit probablement surmonté les embarras qu'on éprouva. On obtint par M. de Simolin, ministre plenipotentiaire de Russie en France, un passeport sous le nom de la Baronne de Korff, alors à Paris avec sa famille. On choisit trois gardes-du-corps, qui furent déguisés en domestiques; deux devoient se placer sur le siege de la voiture, tandis que l'autre servoit de courrier. Ils ne surent que le soir du départ l'objet auquel on les destinoit. Le premier fut envoyé vers dix heures avec la voiture de voyage, attelée de quatre chevaux, pour attendre leurs Majestés hors de la barrière de St. Martin. Le second resta dans le cabinet du Roi, et le troisième eut ordre de se tenir dans l'appartement de la Reine, et de l'accompagner à sa sortie du chateau.

'La famille Royale soupa et se retira à l'ordinaire. A dix heures et demi, M. de Ferzen, déguisé en cocher, amenoit une voiture qui ressembloit à un carrosse de louage, dans la cour des Princes. Mad. de Tourzel sortit bientôt après avec le Dauphin et Madame Royale. M. de Ferzen, qui étoit descendu du siege pour les aider à entrer dans la voiture m'a dit que Madame Royale versoit un torrent de larmes, comme si elle eût présenté les malheurs qui les menaçoient. Lorsqu'ils furent montés, M. de Ferzen les conduisit au petit carrousel, et s'arrêta devant l'hôtel précédemment occupé par la Duchesse de la Vallière; cette maison fut choisie de préférence, parcequ'il n'ayant qu'une très petite cour, on voyoit ordinairement des carrosses arrêtés devant la porte. Madame Elizabeth arriva la première, et fut suivie peu après du Roi; il avoit une redingote, une perruque, et un chapeau rond. Après avoir attendu quelque tems la Reine, il s'impatient, craignant qu'il ne lui fût arrivé quelque accident; il vouloit retourner pour la chercher, et on eut beaucoup de la peine à le retenir. Dans cet intervalle, M. de la Fayette passa, suivi de deux cavaliers. Le Roi qui le reconnût, s'exprima sur son compte de manière à prouver que sa conduite et ses procédés l'avoient blessé profondément. La Reine arriva enfin. En ouvrant la porte de son appartement, elle aperçut une sentinelle qu'elle ne s'attendoit pas à trouver. Elle s'arrêta un instant pour l'observer. La sentinelle se promenoit, la reine fit signe au garde-du-corps de la suivre sans bruit, et profitant du moment où la sentinelle tournoit le dos, ils descendirent l'escalier sans être aperçus. Toute la famille royale étant montée dans le carrosse, M. de Ferzen la mena jusqu'à la berline de voyage, et à quelque distance de celle-ci, la première voiture fut abandonnée près de la route. Les chevaux de poste étoient commandés à Bondi. On saie le reste. A peu près à la même heure, Monsieur et Madame partirent du palais du Luxembourg, et arrivèrent sans aucun accident dans les Pays-Bas, que M. de Ferzen gagna lui-même. Si leurs Majestés eussent pris la même route, il est probable qu'elles n'eussent rencontré aucun obstacle. Le plan de leur fuite fut aussi mal conçu que malheureusement exécuté.'

Mr Crawford had frequent access to this unfortunate family, both before and after their attempt to escape; he appears, indeed, to have been confidentially employed and consulted by them; and he both gives his own opinion, and, what is more remarkable, the opinion of the King and the Queen, in decided opposition to the policy of the Allies. They were far, indeed, he says, from approving the schemes of the Princes at Coblenz, and complained that those proceedings, adopted not only without their authority, but contrary to their sentiments and inclinations, were calculated to commit them, and to give their enemies a colour for the stories industriously propagated, of their privy to the invasion of France. The Queen, after discussing these points, expressed a desire to send some person of confidence to her brother Leopold, as well as to the Empress Catharine, for the purpose of giving those Sovereigns exact information of the state of things at Paris, and of the wishes of the Royal Family. At her request, our author pointed out a fit person for performing this delicate service; it was M. Simolin, the Russian minister at Paris. He undertook the office; saw both Leopold and Catharine; was with the former till the day of his being taken ill of the malady which

\* Such expressions, on the King's part, might be pardoned in his circumstances; but they can in no degree affect the esteem in which all good men must ever hold the truly consistent and venerable friend of liberty to whom the passage refers.

† The present King of France and his wife.

proved fatal; fully explained to the latter the whole state of French affairs and the mischiefs of the course adopted by the Princes; met with the most gracious reception from the Empress, who sent him back to Paris in the same employment, but continued to give her confidence to the emissary of the Coblenz faction. Mr. Crawford, upon the authority of the King's friends, who were best acquainted with the negotiation of the time, represents the agents of the Princes, in all the courts, as keeping themselves aloof from the concerns of the Royal family; taking a decided part with a view to their immediate employers; neglecting the interests, perhaps the safety, of the unfortunate captives; and acting upon the plain of holding all in subservency to the Coblenz faction. He considers the proceedings at Pilsnitz to have been principally the work of Leopold and Frederick, but known to the Count d'Artois, who was there with Calonne. The King and Queen appear to have been ignorant of them until afterwards. The latter said distinctly to himself, 'Si des armées étrangères entrent en France, nous en serons les victimes.' There is but too much reason to believe, that both the Princes and the Allies were far more alive to other considerations than to that which ought to have been uppermost in their minds upon public as well as personal grounds, the safety of the Royal prisoners.

A number of touching particulars are given by Mr. Crawford, concerning the demeanour and treatment of those illustrious victims. When an inhuman jailor (if our Tory magistrates and country gentlemen will allow that there can be such character) would have dragged the King to the window while the head of the Princess de Lamballe was carrying past it, and a superior officer interposed to prevent this atrocity, some member of the municipality asked the jailor's name a day or two afterwards. 'Je l'ignore' (replied the King); 'mais je me rappellerai toujours le nom de celui qui s'est opposé à son affreux dessein.' As soon as the Assembly had taken the name of the Convention, and abolished Royalty, the captives were guarded with extreme vigilance. Louis appears from henceforth (31st September) to have been prepared for his fate; and being allowed to read, though strictly prevented from corresponding with any one by letter, he borrowed from M. de Malesherbes, his able and intrepid advocate, the volume of Hume's History where the death of Charles I. is related. Should the book, which he returned a few days afterwards, be found, our author says it will probably contain notes written by the King, whose practice it was to write in the margin of the books he read. When the trial was fixed, he said to that excellent person, 'Je suis bien persuadé que vous ferez tout ce qui est humainement possible; mais, mon ami, vos peines seront inutiles.' It is well known, that he had come forward from his retirement in the country to defend the King, having quitted the profession some time before the Revolution, and that his honest zeal brought him to the same scaffold. Trouchet and Desèze, however, who had been appointed by the Convention, and, but for their noble conduct, were exposed to less risk, showed the same magnanimous courage in behalf of the illustrious accused. Desèze, in particular, signalized himself, and conferred new honours upon his profession. Deliberately casting his eye over the assembled tribunal, he exclaimed, 'C'est vainement que je cherche des Juges parmi vous; je n'y vois que des Accusateurs.' In honour of the French Bar, we should ever bear in mind, that its members courageously discharged their duty, amidst all the horrors of the worst times of the Revolution.

The 'Notice sur Marie Antoinette,' the more interesting of the two which we are examining, begins with a sketch, which bears the marks of being a more faithful likeness than has usually been presented to the publick of the unfortunate princess.

'Marie-Antoinette avoit plus d'éclat que de beauté; ses traits pris séparément n'offroient rien de remarquable, mais leur réunion avoit le plus grand agrément; et cette expression, souvent prodiguée, *pleine de charmes*, paroît la plus propre pour peindre l'ensemble de sa personne. Tous ses mouvemens avoient de la grace; aucune femme ne portoit mieux sa tête. Son esprit avoit peu de brillant, aussi elle ne montrait aucune prétention dans ce genre; mais elle savoit toujours trouver dans l'occasion ce qu'il y avoit à dire de plus convenable, selon les personnes et les circonstances.'

She was very soon wearied and disgusted with the solemn formalities of court life, and formed a small society for herself, in which she delighted to pass her time, with all the unrestrained freedom of a private station. 'Là je suis moi,' she would say, when contrasting the enjoyment of her ease in this social intercourse, with the stiffness and representation of the royal circle. 'Fatal imprudences!' exclaims our author; 'source of so many misfortunes; for it was thus that she began to lose the affection, respect, and esteem of the publick; and that many great families, indignant at being treated by her with so little attention, ceased to appear at court, except upon occasions when official duties required their presence.' But though she might, in ordinary points, sacrifice to her love of society somewhat of the observances due to her station, no sooner did the hour of difficulty and danger approach, than she displayed those qualities of firmness and courage for which she was so eminently distinguished, even among the threatened and the persecuted of her own rank and sex.



‘ Dans la soirée du 5 Octobre 1786, on la vit écouter avec le plus grand calme les avis qu’on apportoit à chaque instant de la prochaine arrivée des Parisiens et de leurs intentions sanguinaires. Le Comte de Luxembourg, capitaine des gardes du corps, étant venu de la part du Roi proposer à la Reine de se réfugier avec ses enfans à Rambouillet; “ Dites au Roi,” répondit-elle “ que je ne me dissimule pas le péril on nous sommes, que je n’en aius pas intimidé; que ma place est auprès de sa personne, et que rien ne pourra me de terminer à le quitter, sur-tout dans ce moment dange-reux. Dans la trop fameuse journée du lendemain, 6 Octobre, des assassins pénétrèrent à la pointe du jour dans son appartement à Versailles, après avoir massacré les gardes du corps, qui en se sacrifiant pour en défendre l’entrée lui donnerent le tems de se réfugier chez le Roi. Ses ennemis furieux de la voir échappée, excitèrent bientôt la multitude rassemblée sous les fenêtres du Roi, dans la cour de Marbre, à exiger qu’elle se montrât. Elle parut sur le balcon avec ses enfans. Aux cris de “ Point d’enfant! la Reine seule!” elle fit rentrer les enfans, et, de l’air le plus calme, se présenta seule à ce peuple furieux, que cet acte de courage étonna. Dans la même journée, traînée à Paris avec le Roi, elle eut à supporter pendant six heures que dur a la marche, le spectacle le plus épouvantable. Des femmes ivres de vin et de rage faisoient retentir l’air de leurs horribles hurlemens, et des plus grossières injures. Cet affreux appareil avoit été précédé par des acclémations portant au bout de leurs piques les têtes des gardes du corps qui avoient été massacrés. Bientôt après, le châtelet voulant instruire une procédure contre les auteurs des meurtres, envoya une députation pour demander à la Reine des renseignements sur les attentats dont elle avoit failli être victime. Elle répondit aux commissaires: “ Messieurs, pour ce qui me regarde, j’ai tout vu, tout entendu, tout oublié.” On l’avertit le 8 Octobre qu’il existoit encore un complot contre sa vie. Dans la soirée, elle racontait ce qu’elle avoit appris à une dame qui étoit auprès d’elle, en ajoutant, “ J’ai ordonné qu’on premier bruit qu’on entendra, l’on porte mes enfans chez le Roi.”

This passage relates to three days only; but her whole conduct, during the four eventful years which succeeded, appears to have been marked by equal coolness and resolution. When the Palais of the Thuilleries was forced by the armed populace, on the 20th June 1792, and the Royal family were only saved by the steadiness of some of the National Guards, the Queen remained with her children, in the presence of the furious multitude, for nearly four hours, during which they filled the various apartments; and she never betrayed the least appearance of alarm. Her conduct was the same on the memorable tenth of August; and during her imprisonment in the Temple, her composure of mind never forsook her. When the King was sentenced, she only congratulated him upon the prospect of so soon exchanging a miserable existence for the everlasting happiness which awaited him. She had refused an offer made by the ministers Servan and Roland, in May 1792, to remove her to some place of safety abroad, and leave the King, whose chance of regaining the confidence of the country depended, in their opinion, upon her quitting him; but she would not consent to purchase her own safety by what she considered an abandonment of her husband, in the extremity of his distress and danger. After his death, she refused a proposition to escape, because the attempt could only be made by leaving her children behind. Our author was acquainted with the particulars of this plan; and says it had been well digested by trust-worthy persons, and appeared sure of success. He saw, likewise, the Queen’s letters upon the subject. When brought to the scaffold, her appearance was wofully changed by the sorrows and hardships through which she had passed; her features were altered; her hair was blanched; and she had almost lost the use of one eye. The last words of Louis, when the noise of the drums interrupted his address, are well known: “ Français! Je meurs innocent; je pardonne à mes ennemis, et je souhaite que ma mort soit utile au peuple!—La France.” Those of the Queen were equally remarkable and appropriate. “ Seigneur! éclairez et touchez mes bourreaux; Adieu, mes enfans! Je vais rejoindre votre père.” We may add that, from a conversation which this ill-fated Princess had with our author, upon a letter full of warm expressions just received from her nephew the Emperor Francis, it is clear she never placed the least reliance upon his exertions in her behalf. “ Mon neveu” (she said) “ ne p-voit pas m’écrire autrement; mais cela ne veut rien dire.”—“ He could not help saying as much; but it all means nothing.”

The anecdotes of Madame Goupil and Madame Caponet are only curious as showing the innumerable frauds which are practised in a court, by the creatures both of princes and ministers; and how easily, without any participation in the spoil, or even any knowledge of such proceedings on the part of the principals, the grossest corruption may be carried on by subaltern agents in a government the transactions of which are veiled from publick view. But the piece which closes this volume deserves more attention; it is a sketch of Baron de Thugut! so long prime minister of Austria, and who held that high office during the great part of the late war. Our author justly observes, that there was much in his character and habits equally interesting to the philosopher and the politician. Possessed of supreme power for so many years, and

undergoing all its labours as well as anxiety, he seemed wholly indifferent to every one of the gratifications for which other men desire it.

Il ne voyoit dans l’éclat de la représentation, dans un accroissement de fortune, que des soins fatigans et de brillans embarras. Sans entours, sans protégés il écartoit de lui le faste, ne connoissoit pas le luxe; il ne donnoit jamais de ces audiences publiques, on souvent l’orgueil jouit des empressemens d’une multitude d’hommes toujours prêts à se courber devant le crédit. Suivi d’un seul laquais, le premier ministre de la Monarchie Autrichienne, se rendoit matin et soir dans le carrosse le plus simple, de la modeste maison qu’il habitoit dans un faubourg de Vienne, à la Chancellerie d’état, comme un commis se rend à son bureau. Maître de cet hotel on habitoient ses prédécesseurs, il en dédaignoit les appartemens somptueux, pour se réfugier dans un petit cabinet de travail; là il étoit tout entier aux affaires, envroit de sa main les dépêches les plus importantes, recevoit les ministres étrangers qui lui avoient demandé audience, enfermoit ensuite ses papiers sous clef, et retournoit chez lui dîner avec une ou deux personnes insignifiantes, qu’il faisoit discourir, sans jamais laisser échapper le moindre mot qui pût dévoiler ses projets ou ses opinions.

Mr. Crawford knew this singular man personally, and had an opportunity of conversing intimately with him after his retirement, and when he had no interest in deceiving; he also knew a great number of persons who had long been upon the most familiar terms with him. It requires this authority to make us believe in the existence of such a minister,—most rare indeed any where, but in a German court hardly conceivable. He adds, that his person was unknown to the greater part of the people at Vienna, where he lived and ruled.

Il avoit, en général de la politesse dans ses manières et ses discours, mais il ignoroit ou dédaignoit l’art de se concilier l’affection. Sans goût, sans passion, sans famille, insensible aux jouissances de la vanité, il avoit pour la fortune cette insouciance qu’on peut remarquer dans plusieurs savans absorbés par l’étude, et qui nait de l’aversion de tout soin domestique. Loin de rechercher les honneurs, il paroissoit plutôt vouloir les éviter. Son détachement de tout intérêt et de tout désir d’élevation ajoutoit puissamment à son esprit d’indépendance. D’autant plus inébranlable dans sa place qu’on savoit qu’il la quitteroit sans regret il s’y maintint par le seul ascendant de son génie malgré l’opposition de toute la noblesse qui blessée de voir un homme qui n’étoit point de sa classe occuper la première place de la Monarchie se déclara ouvertement contre lui. Avec ces diverses qualités, il faut faire contraste une certaine lenteur ou négligence qui s’emparant de lui quelquefois lui faisoit perdre des momens précieux; des accès d’humeur l’empêchoient de chercher des rapprochemens, soit avec les personnes, soit avec les puissances; rapprochemens que la bonne politique exigeoit cependant.

What the combined efforts of the Austrian grandees could not effect the intrigues of Russia and England succeeded in accomplishing under the guidance of that truly wretched party the French Emigrants who made it a rule to distrust and to blacken every statesman whose good sense and knowledge of affairs led him to adopt a moderate, rational, and practicable line of policy. Thugut was removed; but not till after the same English and Russian influence had dictated to the Cabinet of Vienna, and the truly able general then in its confidence, those changes in the Swiss campaign which proved fatal to the Allies, and afterwards to the Austrian monarchy. A remark afterwards made by Thugut to our author, upon the events of those times, merits the attention of those who still affect to admire Mr Pitt’s foreign policy. “ The greater part,” he said, “ of the schemes which had been pressed upon him, founded upon the reports of faithless agents, or upon fanciful assumption, were more fit to make a supplement to the adventures of Don Quixote, than to become the subject of a serious discussion.” At a later period, we have heard of a similar observation being drawn forth by that project, which, whether we regard its conception or its results, may be allowed to have cast all Mr. Pitt’s failures into the shade—we mean the celebrated Walcheren expedition. When the intention of our sage rulers to operate a diversion in that island, for the advantage of the Austrian arms, and to pour into its pestilential marshes our whole disposable force, was imparted to our allies, the imperial minister is said to have asked with an archness that overcame the Germanic phlegm in what part of the world the same Walcheren was situated.

Let it not be said that we have bestowed too much attention upon this volume in proportion to its bulk or to the modest pretensions of its contents. The facts related by Mr Crawford from his personal observation are among the few safe materials that will remain for illustrating the history of these eventful times, and the future annalist will gladly have recourse to the testimony of one who though unquestionably he may have been biased by partiality yet noted what he saw and heard, in circumstances which preclude all suspicion of a wish to deceive.

\* Except a sister who was a nun at Linz, and whom he allowed a small pension of thirty pounds a year, and a brother, who lived and died as clerk in his office.



# ASIATIC DEPARTMENT.

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## Portrait of the Marquis of Hastings.

We have authority to announce that permission has been given to Monsieur De SAVIGNAC, by General Hardwicke and the Officers of the Honorable Company's Artillery, to make a Drawing from the splendid Picture of the Marquis of Hastings, painted by George Chinnery, Esq. for the Library of the Dum Dum Mess, which is to be Engraved in Mons. De SAVIGNAC's best manner, and published by Subscription, at a Gold Mohur per Copy.

Of the Picture itself, as a Work of Art, as well as an accurate resemblance, it is impossible to speak too highly; and if the Engraving does justice to the Painting, it will be well deserving public patronage. Of this we shall not permit ourselves to doubt, after having seen the successful efforts of the same Artist in the Portraits of Lord Byron, the Baron Bergami, and the late Queen, which were executed by him for the CALCUTTA JOURNAL. He has done also a Head of the celebrated Bramin and Unitarian Christian, Ram Mohun Roy, (that of Abdool Missah was by Mr. Pote), and has now under his care a Lithographic Print of the late Lord Bishop; so that his professional talents will soon have been exercised on almost every variety of character. On the Portrait of Lord Hastings he will no doubt exert his best skill, and when to this circumstance are added other considerations (of which it may not perhaps become us to speak,) we have little doubt but that his Subscription List will be very speedily filled. The Engraving, it is thought, will be ready for delivery about the 1st of January, next. As the departure of the Marquis is said to be fixed for the 15th of December, it would be desirable on many accounts that it should not be delayed beyond that period.

Subscription Books are, we learn, now in circulation; and applications are directed to be made to Mons. DE SAVIGNAC, at his Residence.

## Jurisdiction of Police Magistrates.

Sir, To the Editor of the Journal.

I trust you will excuse my interrupting you in the exercise of your Editorial labours, requesting to insert in your JOURNAL this Letter; the nature of the event is such, that I think it deserving of public notice, not only to satisfy myself, but that hereafter it may serve as a warning to my countrymen placed in a similar situation.

On my arrival in the Hooghly, the Crew, under my command were guilty of two acts of mutiny, as you will see by the enclosed Statement, signed by the Officers of the Ship and the Pilot of the River. The Magistrate of Police informed me, that the offence was not within his jurisdiction, and the proper Magistrate to apply to was the Judge of the 24-Pergunnahs; asserting at the same time, that no efficient punishment could be inflicted, as the acts complained of were committed on board a foreign vessel, making use of these words,—"On board your ship you have a right to punish the Crew as you may think proper." I then applied to the Magistrate of the 24-Pergunnahs, who being duly informed, declared that it was better to set the delinquents at liberty, as he could do no more than confine them a fortnight. Wearied with such decisions, I gave up the men.

It happened yesterday, that one of the Sailors insulted me grossly on board; I then struck him with a stick, which made him leave the Ship, and lay a complaint before the Police, where I am summoned to appear on the 17th instant, *along side of one of my insubordinate Sailors.*

Comparing the former mode of proceeding of the Magistrates with that in the present instance, I am at a loss how to act, and wish your opinion on the subject; concluding by assuring you, that if I am rendered accountable for so just and so slight a punishment on board my Ship, I fear that dangerous consequences may be the result of so much lenity during the long voyage I have to perform.

With great esteem, I remain,

Sir, your most obedient Servant,

JOAO GOMES DUARTE,

Calcutta, Oct. 11, 1822,

Com. do Navio Portuguez G. Lecor.

## Statement.

### TO THE SITTING MAGISTRATE FOR THE TOWN OF CALCUTTA.

SIR,

I, the Underwritten, J. G. Duarte, Captain of the Portuguese Ship GENERAL LECOR, having required six of my Sailors to be put in prison, by the names of Francisco Luis Alves, Francisco Joze, Joao de Oliveira, Joze Duarte, Joao Joze de Oliveira, Joaquim Joze Valladares, I think it my duty to state the reasons, why I have taken such a step.

1st.—As soon as the Ship received the Pilot, the Captain ordered such Sailors to go to the Helm, as he knew to be good Helm's men, to the end that he might thereby avoid some neglect, from whence there might result some damage to the Ship: this order having been carried into execution, it happened that one of those who were excluded (by name Joze Duarte), taking to his heart such a resolution, came in the most upstart, insolent, and arrogant way to the Captain, saying, that since he did not think him capable of steering, he declared that he would never more do such business in the Ship, and that therefore he exacted to be allowed to go and steer her. The Captain having been thus insulted, attempted to punish him corporally, but observing him to be with a knife in his hand, and remembering that on another occasion, on account of another insult offered to him, he was going to punish him with a rattan, the said Sailor had thrown himself upon him; he thought it more prudent to put him in irons. It was then that Francisco Joze, Joaquim Joze Valladares, Joao de Oliveira, and Joao Joze de Oliveira, giving cause to a great sedition, supported decisively their companion, who with the greatest resolution positively declared that he would not receive the irons. The Captain observing then that almost the whole Crew approved of the conduct of that Sailor and that, in insulting and threatening words they shewed their bad intentions; and this happening in a place where the Ship was endangered, he dissembled matters, and desisted from having his order carried into execution: insubordination both in the said Joze Duarte, and in the other Mutineers having come to its height, so far that the least manœuvre could not be ordered without the Officers would receive in answer repeated insults.

2d.—The Ship being at anchor off Hooghly Point, on the 31st of July, after all the manœuvres ordered by the Pilot had been performed with the greatest reluctance, which was the case from early in the morning till 11 o'clock in the forenoon, a squall happened to come, in consequence of which the Pilot ordered to let the anchor go, and furl the sails, from the Ship being in danger of running ashore in the place where she was. In fact we anchored, but as to furling the sails, almost all the Sailors unanimously (always with the same chiefs at their head, who in their proclamations irritated them the more) said—"We will not do it before breakfast—we will not do it—we have said." All the intimidation and threats from the Pilot were required, (who found the Ship in great danger), for them to resolve to go, and furl the sails, a manœuvre which they performed with the most insulting words towards the Captain and the other Officers.

3d.—The Captain considering that the Crew being in a state of a true revolt, he could not depend upon his being obeyed by them, and being desirous to obviate some misfortune or other, he ordered his third Officer to come to Calcutta, and fetch a proportion of Lascars for the service of the Ship; and that Officer being ready to embark, the above-mentioned Sailor, Francisco Luis Alves, with the greatest impudence and insubordination, came to tell the Captain—"Take care, Sir, what you are about.—you will do nothing by it, no one will be suffered to enter the Ship." The Captain being by such provocations exasperated, asked the Crew what they wanted, and if they were inclined or not to carry the Ship up to Calcutta; to which they answered that they were, but exacting such things as were never allowed by Portuguese Ships in such cases. The Captain acquiesced in every thing, threatening them that as soon as he would arrive in Calcutta, he would discharge them all. To this they answered—"Then Comrades, let us go way immediately, let us go with our Chests in



Long Boat, and let the Devil take the Ship"—with many other insults. But the Sailors differing in opinion, they did not carry the abandonment into execution, and under a series of insults, and insubordinate behaviour, the Captain obtained with the greatest difficulty to come to Town.

The above stated, are the reasons for which the Captain requires the said Sailors to be put in prison, whose crimes are attested by him, by the Pilot in part, and all the other Officers.

The Captain thinks it useless to ponder on the misfortunes that from such behaviour might follow, and even the want of an example, for avoiding that such like disturbances should take place again; and begs that you will be pleased to inflict on the Heads of this Mutiny, the punishment required in such cases.

JOAO GOMES DUARTE, Com.  
ANTONIO ALZ. LOUREIRA, 2<sup>e</sup>. Sobcargos.  
FRANCO DE POULA ROIZ, 1<sup>er</sup>. Carregador.  
A. G. DA SILVEIRA, Jun. Escriptuario.  
ANTONIO LOPES DE SILVA, 2<sup>e</sup>. Piloto.  
CANDIDO JOZE DA ALATTA, 3<sup>e</sup>. Piloto.  
VICENTE SOARES CORREA, Cirurgiao.  
JOZE NICOLAS D'GOVOT GARRIDO, Praticante.  
D. KENDERDINE, Pilot in the H. C. Service.

Endorsed Thus.

#### CASE ON THE BEHALF OF CAPTAIN DUARTE.

The Magistrates for the Town of Calcutta have refused to interfere, being out of their jurisdiction, and transferred the Case to Mr. Holme, one of the Magistrates for the 24 Pergunnahs, who have these six persons in custody; but he has also declined to interfere further in the case, as he alleges its being out of his jurisdiction.

#### NOTE OF THE EDITOR.

We should think there could be but one opinion on this subject. If the Police of India cannot take cognizance of the conduct of Mutineers on board a Foreign Ship, we do not know how they can take cognizance of even an unjust act of punishment inflicted by a Foreign Commander. Jurisdiction must hold in both cases, or in neither. Surely some Tribunal ought to be competent to punish the Ringleaders of a Mutiny. We suppose the Admiralty Court to be the proper channel of application for redress: but it strikes as absurd, as well as contradictory, that any Magistrate should decline to punish refractory Sailors because they are Foreigners, and at the same time listen to the complaints of the same Sailors against their Commander, who is equally a Foreigner, and who seems to have been compelled to take the Law into his own hands from being denied redress at the Tribunals to which he applied for its salutary correction.

#### Selections.

**Persian Prince.**—On Friday evening His Excellency the Most Noble the Governor General gave a Dinner to the Persian Prince Futeh Ulee Khan, to which all the Civil and Military heads of Departments were invited. Every person appeared in full costume. A little after 7 o'clock, His Highness came to Government House, and alighted at the private entrance, where he was received by a guard of Sepoys.

On his entering the anti-chamber the Marquess of Hastings embraced him, and led him to a chair, when the principal Civil and Military Gentlemen present had the honor of being introduced to His Highness. During dinner, the Band of H. M. 17th Regt. played many beautiful and appropriate airs. At 9 o'clock His Highness took his departure. The Prince on this occasion was dressed in a plain manner; wearing robes of white muslin only.—*India Gazette.*

**Mr. Canning.**—Our private letters by the *ASTELL*, contain, however, interesting information. One states that notwithstanding Mr. Canning being Gazetted as Governor General of India, various rumours were afloat that he will decline going; and Ministry are described as so vexed at late occurrences, that their resignation would not at all be a matter of surprise. How their opponents could carry on the Government without those very aids they are now so clamorous for tearing down, would be a perplexing question!

Sir John Malcolm was invited by the Court of Directors on the occasion of Mr. Wynne and Mr. Canning dining there, and what is curious, no reporters were admitted, but rumour states that Mr. Canning complimented the Court on the ability of their servants abroad, which brought up Sir John in a most animated speech.—*John Bull.*

#### Chandernagor en Etat de Siege.

"Quand la sottise et l'ignorance en sont venues à ce point, il faut bien se garder de les réfuter sérieusement."

Le Roi de Prusse à Dilembert, (Corresp.)

à l'Editeur du Journal de Calcutta.

Monsieur,

J'ai l'honneur de vous adresser une nouvelle Lettre sur Chandernagor, au risque d'encontrer encore les reproches de quelques compatriotes susceptibles qui blâment la publicité de mes observations, parceque, disent-ils, l'aveu de notre misère dans un pays où la fortune est nécessaire à la considération, et l'aveu de nos fautes chez un peuple qui est si bien en position, justifient le peu de crédit qu'on nous accorde dans l'Inde?

Sans entrer dans une longue discussion sur les dangers ou les bienfaits de la liberté de la presse, je leur dirai qu'en principe il n'y a jamais d'inconvénient à signaler le mal, de quelque nature qu'il soit, ou dans quelque pays qu'on le fasse, tandis qu'il y en a souvent beaucoup à le supporter en silence. Signaler le mal, c'est appeler le bien; et je ne vois que les gens intéressés à le faire qui peuvent trouver mauvais qu'on s'en plaigne.

Quant à croire que cette publicité jette le moindre ridicule sur les Français de l'Inde, c'est donner à des articles de Gazette une importance qu'ils ne méritent guère. On devrait d'ailleurs supposer au public assez d'intelligence pour deviner le mal, de quelque nature qu'il soit, et pour croire que nous ne manquons pas tous d'esprit, de générosité, et de sens commun, parceque notre administration est dans ce cas là. Que le Français qui veut être considéré personnellement se comporte d'une manière convenable, et il jouira de tous les privilèges que donne une bonne conduite: mais que celui qui veut jouir d'une considération nationale aille chercher des titres en Europe où nous en comptons de si glorieux, et non dans l'Inde, où, grâce à notre bureaucratie maritime, nous n'avons plus rien à montrer ni à perdre. Pourvu que la critique soit juste, qu'importe le lieu où elle s'exerce? La vérité est bien placée partout; et ceux qui trouvent un défaut de patriotisme dans l'étalage public de nos turpitudes, ignorent sans doute que dans tous les tems, comme sous tous les régnes, les hommes les plus patriotes ont employé la presse étrangère pour faire entendre des plaintes qu'on étouffait dans leur patrie. La France et l'Angleterre, ayes les réciproques des hommes persécutés, ont retenti tour à tour des clameurs du parti succombant; et sans recourir aux tems anciens pour justifier ceux qui publient leurs plaintes dans des journaux étrangers, je rappellerais seulement ce que les Royalistes actuels, qui ont aussi des prétentions au patriotisme, imprimèrent contre la prétendue usurpation de Bonaparte, et ce que publient aujourd'hui même en Angleterre les députés les plus distingués de l'opposition Française, qui ne craignent pas de se rendre suspects à leur patrie en dévoilant les erreurs du Cabinet, en affichant les écarts du Ministère, enfin en publiant à Londres tout ce que notre odieuse Censure condamne à Paris.

Ce serait peut-être avec plus de raison qu'on blâmerait le ton ironique de mes articles, en remarquant qu'une peinture sévère de notre situation inspirerait plus de confiance que des plaisanteries amères contre notre administration; mais, outre que l'esprit d'une feuille Journalière exclut cette sévérité qu'on demande, il est des choses qui par leur nature la repoussent également. On se ferait moquer de soi en parlant de Chandernagor ou de Pondichery comme on parle d'Athènes ou de Rome. Il est impossible de réfuter certain gouverneur dans l'Inde, avec la gravité qu'impose un ministre de France. On ne peut parler d'un contré-

• Il serait sans doute plus satisfaisant de combattre notre administration coloniale sur les lieux mêmes qu'elle a ruinés et avilis; parceque les coups seraient mieux assurés, les reproches mieux sentis, les blessures plus profondes, et l'effet plus direct; mais nous n'avons pas encore de presse à Chandernagor, et quant à celles de Pondichery, qui gémissent sans cesse pour nos innombrables paperasses bureaucratiques, personne n'ignore qu'elles appartiennent au Gouvernement, et qu'on n'y peut imprimer une Charade ou un Logographe sans en avoir préalablement révisé le mot à son excellence.



leur de marine ainsi que d'un contrôleur des finances. La discussion du budget de Chandernagor n'inspire que des idées comiques, lorsqu'elles ne sont pas dégoûtantes; l'histoire scandaleuse du collier de Pondichery n'aurait pas l'intérêt de l'histoire équivoque du collier de la reine de France; enfin l'impertinence d'un commis, l'ignorance d'un procureur, l'importance d'un administrateur ne méritent que des railleries ou du mépris.

Que mes compatriotes se persuadent surtout que les plaisanteries amères et les reproches mérités qu'on adresse à notre administration coloniale ne refluent en rien sur eux-mêmes. Qu'ils sachent que si la liberté de la presse n'est pas toujours salutaire, elle n'est jamais pernicieuse, et que leur délicatesse se rassure en songeant que si de dix mille pamphlets imprimés en Hollande contre Louis XIV, aucun n'a contribué à lui faire perdre les batailles de Turin, de Ramillies, ou de Blenheim, que si des millions de calomnies répandues dans toute l'Europe sur Bonaparte, aucune n'a contribué à lui faire perdre Waterloo, son trône, et la vie, à plus forte raison quelques articles de Gazette imprimés sur les bords du Gange ne feront aucun tort aux Français qui s'y trouvent?

Mais, diront ceux qui désapprouvent cette publicité, pourquoi donc écrire si vos écrits sont inutiles? à cela je répondrai qu'avec une semblable réflexion il n'est personne qui veuille observer et discuter; qu'à la vérité sur cent reproches qu'on adresse à l'autorité, il en est à peine un qui porte; mais que par cette même raison il les faut multiplier, ainsi qu'on fait avaler vingt pilules au patient qui résiste à deux ou trois; et que c'est surtout dans l'Inde qu'il faut insister sur la misère et l'humiliation des Français de l'Inde, par la raison qu'on applique le remède dans l'endroit même de la souffrance. Les vices et les ridicules de notre pitoyable administration coloniale signalés dans le JOURNAL DE PARIS frapperaient beaucoup moins que dans le JOURNAL DE CALCUTTA, aussi estimé en France qu'au Bengale à le juger par les nombreux extraits qu'en font nos Gazettes, et l'idée que je me forme du véritable patriotisme, me persuade qu'en prenant cette estimable Feuille pour interprète de mes sentimens, je n'en serai pas moins aussi bon Français que ceux qui gardent le silence.

Qu'on cesse donc de donner des leçons de tact et de dignité à un homme qui prétend s'y connaître aussi bien que ceux qui les donnent. Il est de droit naturel de se servir de sa plume comme de sa langue, à ses périls, risques, fortune et réputation. Si j'écris des calomnies, les tribunaux sont ouverts pour me poursuivre; si mes opinions déplaisent qu'on les réfute; si elles ennuiant qu'on ne les lise pas.

Après cette petite digression, j'en viens à Chandernagor, qui fait l'objet principal de ma lettre.

Si j'ai mérité des reproches en révélant avec mesure quelques-unes des bévues de notre administration, que ne va-t-on pas me dire aujourd'hui que j'ose l'accuser publiquement de projets criminels? j'avoue qu'ayant d'en venir là, il a fallu souvent apaiser le cri de ma conscience, mais enfin l'amour de la paix a triomphé de mon patriotisme. J'ai cru d'ailleurs éviter de grands maux par cette pénible dénonciation, et si je me trompais, on excuserait mon erreur involontaire, au moins en faveur de la pureté de mes intentions.

Depuis deux mois, Monsieur l'Editeur, Chandernagor est dans un état de fermentation extraordinaire, et l'on ne se douterait pas au mouvement qui s'y fait que nous sommes dans un pays où l'indolence est le caractère dominant. Depuis deux mois nos autorités civiles et militaires ont pris une attitude plus imposante que jamais; nos employés redoublent de zèle, le service est devenu plus exact, la discipline plus sévère; enfin tout annonce une révolution prochaine, dont la cause est encore une énigme pour les plus profonds diplomates de notre ville célèbre: les uns l'attribuent à des nouvelles importantes arrivées récemment à Pondichery; d'autres y voyent une rupture certaine entre la France et l'Angleterre; ceux-ci l'expliquent par la guerre entre les Grecs et les Turcs; et ceux-là prévoient même l'invasion du Bengale par la Perse, de qui paraîtrait assez vraisemblable depuis l'arrivée du Prince Futeh Oolla Khan.

J'étais à réfléchir sur ces diverses opinions pour m'en former une à moi-même, et je me refusais d'attribuer à des causes si élevées l'agitation qui règne à Chandernagor, lorsque je reçus la lettre suivante que je vous envoie originale pour ne pas être soupçonné de l'avoir altérée.

MONSIEUR,

« En vertu des ordres de Monsieur l'Administrateur, je vous prie de vouloir bien me faire connaître vos prénoms et noms, le lieu de votre naissance, votre profession ou état, l'époque de votre arrivée à Chandernagor et sur quel navire vous êtes venu au Bengale, où vous avez résidé avant de venir en cette ville et vos moyens d'existence, si vous êtes célibataire, marié, ou veuf et le nombre d'enfants.

J'ai l'honneur de vous saluer.

Le Lieutenant de Police, A. L. F.†

Je ne vous cacherai pas, Monsieur, que la lecture de cette Circulaire m'a causé la plus vive inquiétude, et que tous ceux qui l'ont reçue en ont conclu avec moi que Chandernagor était sans doute en état de siège, puis qu'il n'y a que ce cas qui puisse provoquer des mesures aussi sévères. C'était ainsi que les tribuns du peuple écrivirent à Rome menacés par Tarquin le Superbe; Tite Live et Quinte Curce nous rapportent une semblable lettre dictée par Alexandre à Ephesus le jour même de la bataille d'Arbelles; et Charles XII. enfermé dans Stralsund n'écrivit rien de plus fort, de plus pressé, et de mieux conçu, lorsqu'il fit le dénombrement de ceux qui pouvaient encore porter les armes. Cette épouvantable Circulaire a glacé d'effroi plusieurs habitants de Chandernagor, qui présumant qu'on le obligera bientôt à déclarer si leurs femmes sont grosses, si elles accoucheront d'un garçon ou d'une fille, et qui croient voir le pauvre comptoir Français réduit bientôt en cendres, ou au moins mis à feu et à sang.

Vous, qui savez si bien les nouvelles, Monsieur l'Editeur, en auriez-vous donc reçues qui pussent expliquer ce que se passe en ce moment à Chandernagor? serait-ce une réaction des troubles politiques qui agitent aujourd'hui la mère-patrie, ou bien l'esprit Ultra Royaliste, si fin, si délié, si pénétrant, s'étendrait-il jusqu'au Bengale? auriez-vous appris quelque infraction au traité de la sainte alliance? auriez-vous connaissance de quelque déclaration de guerre entre nos deux nations? enfin oseriez-vous penser ainsi que moi que le Chef de Chandernagor, animé peut-être par d'anciens souvenirs de gloire, a conçu la coupable espérance d'arborer le pavillon blanc sur le Fort William. Aux nombreux faits qui justifient mes craintes, j'ajouterai que depuis deux mois nous sommes régis ici par des réglemens militaires, et que personne ne peut sortir de la ville sans la permission de Monsieur l'Administrateur. J'ajouterai qu'en mépris du traité de 1764, qui nous défend d'élever des fortifications à Chandernagor, on vient de construire sur une terrasse avancée du Palais de Mons. l'Administrateur une sorte de balcon, qui peut au besoin servir d'embrasure à des pièces de gros calibre. Tous ceux qui connaissent l'admirable économie de l'administration Française ont remarqué avec étonnement les réparations considérables qu'on fait dans nos casernes. Il paraît bien certain qu'on a engagé quatre Cipayes de plus au service de l'état, ce qui porte notre garnison actuelle à 21 hommes propres au combat. Plusieurs témoins oculaires vous diront qu'on leur a distribué des munitions de guerre qui s'élevaient à deux livres de poudre, 60 balles, et 120 pierres à fusil, d'autres les ont vus exercés aux évolutions les plus savantes et les plus compliquées; on bat ici la retraite tous les soirs, comme dans une ville de garnison; on prend même que

† Des puristes scrupuleux remarqueront peut-être quelques fautes d'orthographe et de Français dans la Circulaire de Monsieur l'Administrateur; mais, loin de les confondre avec des fautes d'ignorance, ils y trouveront bien les attribuer au contraire à la connaissance trop approfondie de la langue. Notre bureaucratie maritime a son orthographe et son style, ainsi que le notariat et le barreau. D'ailleurs Voltaire a opéré une révolution dans la langue Française et l'Administration de Chandernagor veut peut-être imiter Voltaire?

‡ Lisez dans le Naval Chronicle le récit du glorieux combat de la corvette le Curieux, dont le capitaine qui ne s'y trouvait pas fut acquitté très honorablement.



l'administration a fait acheter en secret les deux canons du *Jonathan*; et ce qu'il y a de bien certain, c'est que pour nous accoutumer aux horreurs de la guerre, la bureaucratie coloniale fait tout son possible pour nous réduire à la famine.

Encore une fois, Monsieur l'Editeur, soyez bien persuadé qu'il m'en coûte infiniment de faire une semblable dénonciation, et d'exposer ainsi mes compatriotes à voir neutraliser par la juste défiance de la Compagnie Anglaise les bienfaits que le Ministère Français répand avec tant de profusion sur nos établissements de l'Inde; mais, je le répète, l'amour de la paix a tant d'empire sur moi qu'il passe au delà de toute considération. L'effervescence de notre malheureuse ville, et surtout les dispositions hostiles de l'autorité, m'ont fait prévoir des maux que je voudrais détourner. Je ne songe pas sans frissonner à l'abyme où nous précipiterait une agression prématurée contre l'honorable Compagnie, et j'ai toujours devant les yeux ces paroles effrayantes d'*Anquetil du Perron*, l'un des historiens de l'Inde les plus distingués:

"C'est de Chandernagor, dit-il, que doit partir le coup qui brisera le colosse de la domination Anglaise, élevé sur les ruines d'un édifice bâti par Duplex, son illustre fondateur!!!"

Je suis, Monsieur, &c.

Chandernagor, le 1<sup>er</sup> October 1822.

JOSEPH LEBON.

### Selections.

#### JOHN BULL—THE PETTY COURT—LIBERTY OF THE PRESS.

(From the *Hurkaru* of yesterday.)

Having a few observations to make on each of these subjects, we associate them together in the heading of this article; for altho' the connection between them may be invisible to the naked eye, it is not more so than the laws of attraction and repulsion that undoubtedly bind up the universe; which can only be discovered by inference and analogies, not more certain than these we shall deduce in the course of the following remarks.

Before we proceed to expose the Letter headed "Liberty of the Press," in the *JOHN BULL* of Saturday, we must say a few words respecting *JOHN BULL* himself. The most prominent feature in his character is a petty spite against the Liberty of the Press; the next thing that strikes us, is his culpable eagerness to give publicity to the most unfounded accusations if they seem to prove the mischief of a Free Press; and thirdly, his notions of justice (which we hoped would improve with the recent change of management) teach him that after promulgating injurious accusations, it is duty to prevent, as far as in his power, the party accused from being heard in reply. To prove this we shall content ourselves with referring to two instances—the memorable attempt lately made to prove the evils of a free press among the Natives, founded on the application of the Persian word *TURSA*; and the Letter inserted in the *JOHN BULL* of Saturday last.

On the former occasion after inserting "a groundless libel and hurtful charge" against the Editor of the Persian Paper, and following it up with others of the same nature, he very unfairly refused to publish a justification that was sent to him. Whether his motive was to mislead the Public, or to avoid the disgrace of being exposed in the eyes of his own readers, the refusal was highly reprehensible, when we consider that by such misrepresentations or *ex parte* statements, the individual in whose hands the destinies of the Indian Press are, might have been imposed upon, and induced to advise or adopt measures to abridge still further, or entirely abrogate its liberty. Indeed, as we have good reason to believe that the defence in question has little chance of having reached the high quarter to which we allude, an impression probably still exists there (as it did generally for a few days till the defence appeared) that the Native Press habitually employs insulting and degrading epithets to the whole Christian body. We cannot condemn in terms sufficiently strong, such disingenuous attempt at deception for the avowed purpose of robbing this great empire of one the most precious blessings it ever can enjoy—the liberty of thought and speech; for a Free Press, is a country, only what speech and reflection is to an individual; without it a large community is a dumb and dark dis-organised mass, incapable of reasoning or judgement, and hardly susceptible of improvement.

The second proof of *JOHN BULL*'s enmity to a Free Press, is his culpable eagerness to publish groundless accusations that seem to make against it, and high-tide in refusing to admit a refutation of such false charges as the Letter signed *VERITAS* inserted in that paper on Saturday last. We should not have deemed it worthy of such particular notice, but for the general belief (whether well founded or not we do

not pretend to say) that the writer of it and the acting Editor of the *JOHN BULL* are one and the same person; that the stile identifies him with the writer under the signature of *MODERATOR* that formerly appeared in the *JOURNAL*,\* and the matter proves that he must be a person intimately acquainted with the business of the Court of Requests. However this may be, the composition is an artful tissue of misrepresentations from beginning to end; which the writer's apparent opportunities of knowing the truth render the more inexcusable. With a view to promote the ends of justice, we have inserted various communications regarding that Court, and particularly a Letter on Judge Warrants on the 21st of September last, which this writer ascribes generally (as he did before in the *JOURNAL*) to the "overflowings of bile from disappointed litigants;" but wishing to strengthen his position, he has now attempted to trace a connection between a case noticed in that letter and in another published on Friday last—and the Proprietors of this Paper; in order, no doubt, to ascribe its insertion to interested motives. For this purpose he has introduced a new case, that of a Mr. Green, which never was alluded to in this Paper, and came on before the Petty Court subsequently, we believe, to the publication of the first Letter on Judge Warrants. He calls him "Mr. Green of the House of Samuel Smith and Co. Booksellers and Proprietors of the *BENGAL HURKARU*"; which (if truth had been his object) his Printer could have told him was not the case. The proprietors, as will be seen by the subjoined Letter, wrote to set him right; but the Editor of *JOHN BULL*, although he seemed to be as completely master of the facts of the case as *VERITAS*, and convinced of the error, refused to admit this correct statement, without any sufficient reason being assigned for such refusal.

Here then, is this Paper which set out as the Champion of Decency and Truth—now become the Petty Champion of the Petty Court, promulgating statements destitute of truth, and liberally refusing to allow them to be contradicted in the manner such statements deserve. But the Editor offers to insert a Note advertising to the mistake; so it appears that in future when the most gross misstatement is inserted in that paper, having an injurious effect on the character of individuals, all the compensation the Editor can consent to make, is something in the shape of an Erratum! Now supposing we were to assert to-day (no matter how false) that "X. Y. Z. being a Commissioner, a Merchant, and the Editor of a Newspaper, makes a sad jumble of the Judicial, Commercial, and Editorial functions"—and insert an Erratum to-morrow that—"We were mistaken; and now find X. Y. Z. are not one, but three persons; X being the Commissioner, Y the Merchant, and Z the Editor"—we beg to ask *JOHN BULL* if he would think this sufficient to do away the impression of the former paragraph.

In conclusion, we hope the Public will give us credit for the assertion—that in giving publicity to Letters, &c. regarding the Petty Court, we have been actuated by no private pique or personal feeling against the Commissioners, which it was *VERITAS*'s object to prove; but we defy him to produce the least shadow of evidence! And although we have not the advantage of being personally acquainted with any of them, yet as far as we can judge from the opinion of others, we believe them to be Gentlemen entitled to respect, and we know that some of them enjoy the confidence of the Public, in an honourable degree. They are MEN however; and "the controul of public scrutiny, which it is salutary for even the highest authority to look to," must also be here in some degree useful and necessary. As the Press is generally allowed to owe something to the Tradesmen of Calcutta, they have a right to expect it to acquit the obligation; and we have endeavoured to discharge our part, by making them acquainted with the sort of justice dispensed in a Court to which they have but too often occasion to apply. That *JOHN BULL* should in the present circumstances become the Champion of that Court—was to be expected; but when he inserts letters pretending to such minute acquaintance with its concerns, he will in future, we think, find it necessary to take care that they be more correct in their facts than that of *VERITAS*; or the Public will judge where "the overflowings of bile" really exist.—*Hurkaru*

\* *MODERATOR* was not written by the present Editor of *JOHN BULL*.—Ed. of the *Journal*.

### Deaths.

At Serampore, on the evening of the 12th instant, Major WICKERDIE, of His Danish Majesty's Service.

At Saugor, on the 6th ultimo, ELIZA NANCY, the infant Daughter of Lieutenant GEORGE CHAPMAN, of the 2d Battalion 15th Native Infantry.

On the 12th instant, Mr. THOMAS POTE, formerly Lieutenant of the 3d Rohillah Cavalry.

### Erratum.

In the 1st Resolution of the Proceedings of the Committee of Management of the Subscriptions for the Relief of the Suffering Irish, published in yesterday's *JOURNAL*, FOR "16,343," READ, "21,012-4."



